

AMENDED IN SENATE JULY 6, 2005

AMENDED IN ASSEMBLY APRIL 13, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1323**

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**Introduced by Assembly Member Vargas**  
***(Coauthors: Assembly Members Parra and Spitzer)***  
***(Coauthor: Senator Florez)***

February 22, 2005

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An act to amend Section 2079.10a of the Civil Code, to amend Section 1522.01 of the Health and Safety Code, and to amend Sections 290, 290.01, 290.4, 290.45, 290.46, 290.5, 290.6, 666.7, and 1170.11 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1323, as amended, Vargas. Registered sex offenders.

Pursuant to existing law, information about registered sex offenders is made available by the Department of Justice via an Internet Web site.

This bill would make conforming changes in provisions of law regarding notices to be included in lease or rental agreements, or contracts for sale of residential real property, and required disclosures of an operator of a community care facility that accepts a registered sex offender as a client, as specified.

Existing law provides that certain information regarding a registered sex offender on a university, college, or community college campus may be released to members of the campus community.

This bill would clarify that this information will be made available regarding registered sex offenders as to whom information is not available to the public via the Department of Justice Internet Web site.

Existing law, operative until July 1, 2007, requires the Department of Justice to continually compile information about certain registered sex offenders categorized by community of residence and ZIP Code, as specified, and to make that information available to the public via a CD-ROM that can be reviewed at local law enforcement agencies. Existing law also requires the department to operate a “900” telephone number that members of the public may call to inquire whether a named individual is among those registered sex offenders about whom information is made available.

This bill would delete these provisions. This bill would instead require the department to operate a service through which members of the public may make an inquiry, regarding at least 6 individuals, as to whether a particular individual is required to register as a sex offender and is subject to public notification, as specified. This bill would provide that the department may establish a fee for these requests which shall be deposited into the Sexual Predator Public Information Account within the Department of Justice. This bill would also provide that misuse of the information provided by the service is a crime punishable as specified.

Because this bill would change the definition of a crime, this bill would impose a state-mandated local program.

Existing law provides that whenever a peace officer reasonably suspects that a child or other person is at risk from a sex offender, a law enforcement agency may provide information about that registered sex offender to persons, agencies, or organizations that the offender is likely to encounter, as specified. Existing law also provides that a designated law enforcement agency may advise the public of the presence of high-risk sex offenders in its community, as specified.

This bill would instead provide that any designated law enforcement entity may provide information to the public about a registered sex offender by whatever means the entity deems appropriate when necessary to ensure the public safety; however it may not authorize disclosure of this information by another on an Internet Web site.

Existing law requires the Department of Justice to make available information concerning persons who are required to register as sex offenders available to the public via an Internet Web site that includes either the address at which the offender resides or the community of

residence and ZIP Code in which he or she resides. Existing law provides that it is a crime, punishable as specified, for a person who is required to register pursuant to this section to enter the department Web site.

This bill would provide that if the offender is registered as a transient, the county in which a person registered will be provided on the Internet Web site. This bill would make other conforming changes to these provisions. This bill would provide that a designated law enforcement entity may make information concerning registered sex offenders available via an Internet Web site. This bill would provide that it is a crime for a person who is required to register as a sex offender to enter any Web site established pursuant to these provisions.

Existing law provides that if a person has been convicted of the commission or attempted commission of felony sexual battery, misdemeanor child molestation, or specified sexual offenses for which the offender is eligible for, granted, and successfully completes probation, that person may file an application with the Department of Justice for an exclusion from the Internet Web site, as specified.

This bill would revise this provision to no longer authorize a person who has been convicted of the commission or attempted commission of specified sexual offenses for which the offender is eligible for, granted, and successfully completes probation to file for an exclusion from the Internet Web site. *The bill would, however, authorize the application for exclusion from the Internet Web site by a person who has been convicted of the commission or attempted commission of an offense for which the offender is on probation at the time of his or her application or has successfully completed probation, as defined, provided the offender submits to the Department of Justice a certified copy of an official court document, as specified, that clearly demonstrates that the offender was the victim's parent, stepparent, sibling, or grandparent, and the crime did not involve specified sexual offenses.*

Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

This bill would make other conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2079.10a of the Civil Code is amended  
2 to read:

3 2079.10a. (a) Every lease or rental agreement for residential  
4 real property and every contract for *the* sale of residential real  
5 property ~~comprising~~ *comprised of* one to four dwelling units,  
6 shall contain, in not less than 8-point type, the following notice:

7 Notice: Pursuant to Section 290.46 of the Penal Code,  
8 information about specified registered sex offenders is made  
9 available to the public via an Internet Web site maintained by the  
10 Department of Justice at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). Depending on  
11 an offender's criminal history, this information will include  
12 either the address at which the offender resides or the community  
13 of residence and ZIP Code in which he or she resides.

14 (b) Subject to subdivision (c), upon delivery of the notice to  
15 the lessee or transferee of the real property, the lessor, seller, or  
16 broker is not required to provide information in addition to that  
17 contained in the notice regarding the proximity of registered sex  
18 offenders. The information in the notice shall be deemed to be  
19 adequate to inform the lessee or transferee about the existence of  
20 a statewide database of the locations of registered sex offenders  
21 and information from the database regarding those locations. The  
22 information in the notice shall not give rise to any cause of action  
23 against the disclosing party by a registered sex offender.

24 (c) Notwithstanding subdivisions (a) and (b), nothing in this  
25 section shall alter any existing duty of the lessor, seller, or broker  
26 under any other statute or decisional law including, but not  
27 limited to, the duties of a lessor, seller, or broker under this  
28 article, or the duties *of* a seller or broker under Article 1.5  
29 (commencing with Section 1102) ~~or~~ *of* Chapter 2 of Title 4 of  
30 Part 4 of Division 2.

1 (d) (1) Subdivision (a) of this section shall apply only to  
2 written agreements and contracts that are entered into by the  
3 parties on or after July 1, 1999.

4 (2) *Contracts entered into by the parties between July 1, 1999,*  
5 *and June 30, 2005, shall remain subject to the requirements that*  
6 *were contained in subdivision (a) during that period.*

7 SEC. 2. Section 1522.01 of the Health and Safety Code is  
8 amended to read:

9 1522.01. (a) Any person required to be registered as a sex  
10 offender under Section 290 of the Penal Code shall disclose this  
11 fact to the licensee of a community care facility before becoming  
12 a client of that facility. A community care facility client who fails  
13 to disclose to the licensee his or her status as a registered sex  
14 offender shall be guilty of a misdemeanor punishable pursuant to  
15 subdivision (a) of Section 1540. The community care facility  
16 licensee shall not be liable if the client who is required to register  
17 as a sex offender fails to disclose this fact to the community care  
18 facility licensee. However, this immunity does not apply if the  
19 community care facility licensee knew that the client ~~is~~ was  
20 required to register as a sex offender.

21 (b) Any person or persons operating a community care facility  
22 pursuant to this chapter that accepts as a client an individual who  
23 is required to be registered as a sex offender under Section 290 of  
24 the Penal Code, shall confirm or deny whether any client of the  
25 facility is a registered sex offender in response to any person who  
26 inquires whether any client of the facility is a registered sex  
27 offender and who meets any of the following criteria:

28 (1) The person is the parent, family member, or guardian of a  
29 child residing within a one-mile radius of the facility.

30 (2) The person occupies a personal residence within a  
31 one-mile radius of the facility.

32 (3) The person operates a business within a one-mile radius of  
33 the facility.

34 (4) The person is currently a client within the facility or a  
35 family member of a client within the facility.

36 (5) The person is applying for placement in the facility, or  
37 placement of a family member in the facility.

38 (6) The person is arranging for a client to be placed in the  
39 facility.

40 (7) The person is a law enforcement officer.

1 If the community care facility licensee indicates a client is a  
2 registered sex offender, the interested person may describe  
3 physical characteristics of a client and the facility shall disclose  
4 that client's name upon request, if the physical description  
5 matches the client. The facility shall also advise the interested  
6 person that information about registered sex offenders is  
7 available to the public via the Internet Web site maintained by  
8 the Department of Justice pursuant to Section 290.46 of the Penal  
9 Code.

10 (c) Any person who uses information disclosed pursuant to  
11 this section to commit a felony shall be punished, in addition and  
12 consecutive to, any other punishment, by a five-year term of  
13 imprisonment in the state prison.

14 (d) Any person who uses information disclosed pursuant to  
15 this section to commit a misdemeanor shall be subject to, in  
16 addition to any other penalty or fine imposed, a fine of not less  
17 than five hundred dollars (\$500) and not more than one thousand  
18 dollars (\$1,000).

19 (e) Except as authorized under another provision of law, or to  
20 protect a child, use of any of the information disclosed pursuant  
21 to this section for the purpose of applying for, obtaining, or  
22 denying any of the following, is prohibited:

23 (1) Health insurance.

24 (2) Insurance.

25 (3) Loans.

26 (4) Credit.

27 (5) Employment.

28 (6) Education, scholarships, or fellowships.

29 (7) Benefits, privileges, or services provided by any business  
30 establishment.

31 (8) Housing or accommodations.

32 (f) Any use of information disclosed pursuant to this section  
33 for purposes other than those provided by subdivisions (a) and  
34 (b) shall make the user liable for the actual damages, and any  
35 amount that may be determined by a jury or a court sitting  
36 without a jury, not exceeding three times the amount of actual  
37 damage, and not less than two hundred fifty dollars (\$250), and  
38 attorney's fees, exemplary damages, or a civil penalty not  
39 exceeding twenty-five thousand dollars (\$25,000).

(g) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the information disclosed pursuant to this section, the Attorney General, any district attorney, or city attorney, or any person aggrieved by the misuse of that information is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for the pattern or practice of misuse. The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law, including Part 2 (commencing with Section 43) of Division 1 of the Civil Code.

(h) The civil and criminal penalty ~~money~~ *moneys* collected pursuant to this section shall be transferred to the Community Care Licensing Division of the State Department of Social Services, upon appropriation by the Legislature.

SEC. 3. Section 290 of the Penal Code is amended to read:

290. (a) (1) (A) Every person described in paragraph (2), for the rest of his or her life while residing in California, or while attending school or working in California, as described in subparagraph (G), shall be required to register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing ~~is located~~, in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing upon the campus or in any of its facilities, within five working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides.

(B) If the person who is registering has more than one residence address at which he or she regularly resides, he or she shall register in accordance with subparagraph (A) in each of the jurisdictions in which he or she regularly resides, regardless of the number of nights spent there. If all of the addresses are within the same jurisdiction, the person shall provide the registering authority with all of the addresses where he or she regularly resides .

1 (C) Every person described in paragraph (2), for the rest of  
2 his or her life while living as a transient in California shall be  
3 required to register, as follows:

4 (i) A transient must register, or reregister if the person has  
5 previously registered, within five working days from release  
6 from incarceration, placement or commitment, or release on  
7 probation, pursuant to paragraph (1) of subdivision (a), except  
8 that if the person previously registered ~~at~~ *as* a transient less than  
9 30 days from the date of his or her release from incarceration, he  
10 or she does not need to reregister as a transient until his or her  
11 next required 30-day update of registration. If a transient is not  
12 physically present in any one jurisdiction for five consecutive  
13 working days, he or she must register in the jurisdiction in which  
14 he or she is physically present on the fifth working day following  
15 release, pursuant to paragraph (1) of subdivision (a). Beginning  
16 on or before the 30th day following initial registration upon  
17 release, a transient must reregister no less than once every 30  
18 days thereafter. A transient shall register with the chief of police  
19 of the city in which he or she is physically present within that  
20 30-day period, or the sheriff of the county if he or she is  
21 physically present in an unincorporated area or city that has no  
22 police department, and additionally, with the chief of police of a  
23 campus of the University of California, the California State  
24 University, or community college if he or she is physically  
25 present upon the campus or in any of its facilities. A transient  
26 must reregister no less than once every 30 days regardless of the  
27 length of time he or she has been physically present in the  
28 particular jurisdiction in which he or she reregisters. If a transient  
29 fails to reregister within any 30-day period, he or she may be  
30 prosecuted in any jurisdiction in which he or she is physically  
31 present.

32 (ii) A transient who moves to a residence shall have five  
33 working days within which to register at that address, in  
34 accordance with subparagraph (A) of paragraph (1) of  
35 subdivision (a). A person registered at a residence address in  
36 accordance with subparagraph (A) of paragraph (1) of  
37 subdivision (a), who becomes transient shall have five working  
38 days within which to reregister as a transient in accordance with  
39 clause (i).



1 (iii) Beginning—~~or~~ *on* his or her first birthday following  
2 registration, a transient shall register annually, within five  
3 working days of his or her birthday, to update his or her  
4 registration with the entities described in clause (i). A transient  
5 shall register in whichever jurisdiction he or she is physically  
6 present on that date. At the 30-day updates and the annual  
7 update, a transient shall provide current information as required  
8 on the Department of Justice annual update form, including the  
9 information described in subparagraphs (A) to (C), inclusive, of  
10 paragraph (2) of subdivision (e), and the information specified in  
11 clause (iv).

12 (iv) A transient shall, upon registration and reregistration,  
13 provide current information as required on the Department of  
14 Justice registration forms, and shall also list the places where he  
15 or she sleeps, eats, works, frequents, and engages in leisure  
16 activities. If a transient changes or adds to the places listed on the  
17 form during the 30-day period, he or she does not need to report  
18 the new place or places until the next required reregistration.

19 (v) Failure to comply with the requirement of reregistering  
20 every 30 days following initial registration pursuant to clause (i)  
21 of this subparagraph shall be punished in accordance with  
22 paragraph (6) of subdivision (g). Failure to comply with any  
23 other requirement of this section shall be punished in accordance  
24 with either paragraph (1) or (2) of subdivision (g).

25 (vi) A transient who moves out of state shall inform, in person  
26 or in writing, the chief of police in the city in which he or she is  
27 physically present, or the sheriff of the county, ~~if he or she~~ *if he*  
28 *or she is* physically present in an unincorporated area or city that  
29 has no police department, within five working days, of his or her  
30 move out of state. The transient shall inform that registering  
31 agency of his or her planned destination, residence or transient  
32 location out of state, and any plans he or she has to return to  
33 California, if known. The law enforcement agency shall, within  
34 three days after receipt of this information, forward a copy of the  
35 change of location information to the Department of Justice. The  
36 department shall forward appropriate registration data to the law  
37 enforcement agency having local jurisdiction of the new place of  
38 residence or location.

39 (vii) For purposes of this section, “transient” means a person  
40 who has no residence. “Residence” means a place where a person

1 is living or temporarily staying for more than five days, such as a  
2 shelter or structure that can be located by a street address,  
3 including, but not limited to, houses, apartment buildings, motels,  
4 hotels, homeless shelters, and recreational and other vehicles.

5 (viii) The transient registrant's duty to update his or her  
6 registration no less than every 30 days shall begin with his or her  
7 second transient update following the date this subdivision  
8 became effective.

9 (D) Beginning on his or her first birthday following  
10 registration or change of address, the person shall be required to  
11 register annually, within five working days of his or her birthday,  
12 to update his or her registration with the entities described in  
13 subparagraph (A). At the annual update, the person shall provide  
14 current information as required on the Department of Justice  
15 annual update form, including the information described in  
16 subparagraphs (A) to (C), inclusive, of paragraph (2) of  
17 subdivision (e).

18 (E) In addition, every person who has ever been adjudicated a  
19 sexually violent predator, as defined in Section 6600 of the  
20 Welfare and Institutions Code, shall, after his or her release from  
21 custody, verify his or her address no less than once every 90 days  
22 and place of employment, including the name and address of the  
23 employer, in a manner established by the Department of Justice.

24 (F) No entity shall require a person to pay a fee to register or  
25 update his or her registration pursuant to this section. The  
26 registering agency shall submit registrations, including annual  
27 updates or changes of address, directly into the Department of  
28 Justice Violent Crime Information Network (VCIN).

29 (G) Persons required to register in their state of residence who  
30 are out-of-state residents employed, or carrying on a vocation in  
31 California on a full-time or part-time basis, with or without  
32 compensation, for more than 14 days, or for an aggregate period  
33 exceeding 30 days in a calendar year, shall register in accordance  
34 with subparagraph (A). Persons described in paragraph (2) who  
35 are out-of-state residents enrolled in any educational institution  
36 in California, as defined in Section 22129 of the Education Code,  
37 on a full-time or part-time basis, shall register in accordance with  
38 subparagraph (A). The place where the out-of-state resident is  
39 located, for purposes of registration, shall be the place where the  
40 person is employed, carrying on a vocation, or attending school.

1 The out-of-state resident subject to this subparagraph shall, in  
2 addition to the information required pursuant to subdivision (e),  
3 provide the registering authority with the name of his or her place  
4 of employment or the name of the school attended in California,  
5 and his or her address or location in his or her state of residence.

6 The registration requirement for persons subject to this  
7 subparagraph shall become operative on November 25, 2000.

8 The terms “employed or carries on a vocation” include  
9 employment whether or not financially compensated,  
10 volunteered, or performed for government or educational benefit.

11 (2) The following persons shall be required to register  
12 pursuant to paragraph (1):

13 (A) Any person who, since July 1, 1944, has been or is  
14 hereafter convicted in any court in this state or in any federal or  
15 military court of a violation of Section 207 or 209 committed  
16 with intent to violate Section 261, 286, 288, 288a, or 289,  
17 Section 220, except assault to commit mayhem, Section 243.4,  
18 paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section  
19 261, or paragraph (1) of subdivision (a) of Section 262 involving  
20 the use of force or violence for which the person is sentenced to  
21 the state prison, Section 264.1, 266, or 266c, subdivision (b) of  
22 Section 266h, subdivision (b) of Section 266i, Section 266j, 267,  
23 269, 285, 286, 288, 288a, 288.5, or 289, Section 311.1,  
24 subdivision (b), (c), or (d) of Section 311.2, Section 311.3, 311.4,  
25 311.10, 311.11, or 647.6, former Section 647a, subdivision (c) of  
26 Section 653f, subdivision 1 or 2 of Section 314, any offense  
27 involving lewd or lascivious conduct under Section 272, or any  
28 felony violation of Section 288.2; or any statutory predecessor  
29 that includes all elements of one of the above-mentioned  
30 offenses; or any person who since that date has been or is  
31 hereafter convicted of the attempt to commit any of the  
32 above-mentioned offenses.

33 (B) Any person who, since July 1, 1944, has been or hereafter  
34 is released, discharged, or paroled from a penal institution where  
35 he or she was confined because of the commission or attempted  
36 commission of one of the offenses described in subparagraph  
37 (A).

38 (C) Any person who, since July 1, 1944, has been or hereafter  
39 is determined to be a mentally disordered sex offender under  
40 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2

1 of Division 6 of the Welfare and Institutions Code or any person  
2 who has been found guilty in the guilt phase of a trial for an  
3 offense for which registration is required by this section but who  
4 has been found not guilty by reason of insanity in the sanity  
5 phase of the trial.

6 (D) (i) Any person who, since July 1, 1944, has been, or is  
7 hereafter convicted in any other court, including any state,  
8 federal, or military court, of any offense that, if committed or  
9 attempted in this state, would have been punishable as one or  
10 more of the offenses described in subparagraph (A).

11 (ii) Any person ordered by any other court, including any  
12 state, federal, or military court, to register as a sex offender for  
13 any offense, if the court found at the time of conviction or  
14 sentencing that the person committed the offense as a result of  
15 sexual compulsion or for purposes of sexual gratification.

16 (iii) Except as provided in clause (iv), any person who would  
17 be required to register while residing in the state of conviction for  
18 a sex offense committed in that state.

19 (iv) Clause (iii) shall not apply to a person required to register  
20 in the state of conviction if the conviction was for the equivalent  
21 of one of the following offenses, and the person is not subject to  
22 clause (i):

23 (I) Indecent exposure, pursuant to Section 314.

24 (II) Unlawful sexual intercourse, pursuant to Section 261.5.

25 (III) Incest, pursuant to Section 285.

26 (IV) Sodomy, pursuant to Section 286, or oral copulation,  
27 pursuant to Section 288a, provided that the offender notifies the  
28 Department of Justice that the sodomy or oral copulation  
29 conviction was for conduct between consenting adults, as  
30 described in subparagraph (F) of paragraph (2) of subdivision (a),  
31 and the department is able, upon the exercise of reasonable  
32 diligence, to verify that fact.

33 (E) Any person ordered by any court to register pursuant to  
34 this section for any offense not included specifically in this  
35 section if the court finds at the time of conviction or sentencing  
36 that the person committed the offense as a result of sexual  
37 compulsion or for purposes of sexual gratification. The court  
38 shall state on the record the reasons for its findings and the  
39 reasons for requiring registration.

1 (F) (i) Notwithstanding any other subdivision, a person who  
2 was convicted before January 1, 1976, under subdivision (a) of  
3 Section 286, or Section 288a, shall not be required to register  
4 pursuant to this section for that conviction if the conviction was  
5 for conduct between consenting adults that was decriminalized  
6 by Chapter 71 of the Statutes of 1975 or Chapter 1139 of the  
7 Statutes of 1976. The Department of Justice shall remove that  
8 person from the Sex Offender Registry, and the person is  
9 discharged from his or her duty to register pursuant to the  
10 following procedure:

11 (I) The person submits to the Department of Justice official  
12 documentary evidence, including court records or police reports,  
13 that demonstrate that the person's conviction pursuant to either of  
14 those sections was for conduct between consenting adults that  
15 was decriminalized; or

16 (II) The person submits to the department a declaration stating  
17 that the person's conviction pursuant to either of those sections  
18 was for consensual conduct between adults that has been  
19 decriminalized. The declaration shall be confidential and not a  
20 public record, and shall include the person's name, address,  
21 telephone number, date of birth, and a summary of the  
22 circumstances leading to the conviction, including the date of the  
23 conviction and county of the occurrence.

24 (III) The department shall determine whether the person's  
25 conviction was for conduct between consensual adults that has  
26 been decriminalized. If the conviction was for consensual  
27 conduct between adults that has been decriminalized, and the  
28 person has no other offenses for which he or she is required to  
29 register pursuant to this section, the department shall, within 60  
30 days of receipt of those documents, notify the person that he or  
31 she is relieved of the duty to register, and shall notify the local  
32 law enforcement agency with which the person is registered that  
33 he or she has been relieved of the duty to register. The local law  
34 enforcement agency shall remove the person's registration from  
35 its files within 30 days of receipt of notification. If the  
36 documentary or other evidence submitted is insufficient to  
37 establish the person's claim, the department shall, within 60 days  
38 of receipt of those documents, notify the person that his or her  
39 claim cannot be established, and that the person shall continue to  
40 register pursuant to this section. The department shall provide,

1 upon the person's request, any information relied upon by the  
2 department in making its determination that the person shall  
3 continue to register pursuant to this section. Any person whose  
4 claim has been denied by the department pursuant to this clause  
5 may petition the court to appeal the department's denial of the  
6 person's claim.

7 (ii) On or before July 1, 1998, the department shall make a  
8 report to the Legislature concerning the status of persons who  
9 may come under the provisions of this subparagraph, including  
10 the number of persons who were convicted before January 1,  
11 1976, under subdivision (a) of Section 286 or Section 288a and  
12 are required to register under this section, the average age of  
13 these persons, the number of these persons who have any  
14 subsequent convictions for a registerable sex offense, and the  
15 number of these persons who have sought successfully or  
16 unsuccessfully to be relieved of their duty to register under this  
17 section.

18 (b) (1) Any person who is released, discharged, or paroled  
19 from a jail, state or federal prison, school, road camp, or other  
20 institution where he or she was confined because of the  
21 commission or attempted commission of one of the offenses  
22 specified in subdivision (a) or is released from a state hospital to  
23 which he or she was committed as a mentally disordered sex  
24 offender under Article 1 (commencing with Section 6300) of  
25 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions  
26 Code, shall, prior to discharge, parole, or release, be informed of  
27 his or her duty to register under this section by the official in  
28 charge of the place of confinement or hospital, and the official  
29 shall require the person to read and sign any form that may be  
30 required by the Department of Justice, stating that the duty of the  
31 person to register under this section has been explained to the  
32 person. The official in charge of the place of confinement or  
33 hospital shall obtain the address where the person expects to  
34 reside upon his or her discharge, parole, or release and shall  
35 report the address to the Department of Justice. The official shall  
36 at the same time forward a current photograph of the person to  
37 the Department of Justice.

38 (2) The official in charge of the place of confinement or  
39 hospital shall give one copy of the form to the person and shall  
40 send one copy to the Department of Justice and one copy to the

1 appropriate law enforcement agency or agencies having  
2 jurisdiction over the place the person expects to reside upon  
3 discharge, parole, or release. If the conviction that makes the  
4 person subject to this section is a felony conviction, the official  
5 in charge shall, not later than 45 days prior to the scheduled  
6 release of the person, send one copy to the appropriate law  
7 enforcement agency or agencies having local jurisdiction where  
8 the person expects to reside upon discharge, parole, or release;  
9 one copy to the prosecuting agency that prosecuted the person;  
10 and one copy to the Department of Justice. The official in charge  
11 of the place of confinement or hospital shall retain one copy.

12 (c) (1) Any person who is convicted in this state of the  
13 commission or attempted commission of any of the offenses  
14 specified in subdivision (a) and who is released on probation,  
15 shall, prior to release or discharge, be informed of the duty to  
16 register under this section by the probation department, and a  
17 probation officer shall require the person to read and sign any  
18 form that may be required by the Department of Justice, stating  
19 that the duty of the person to register under this section has been  
20 explained to him or her. The probation officer shall obtain the  
21 address where the person expects to reside upon release or  
22 discharge and shall report within three days the address to the  
23 Department of Justice. The probation officer shall give one copy  
24 of the form to the person, send one copy to the Department of  
25 Justice, and forward one copy to the appropriate law enforcement  
26 agency or agencies having local jurisdiction where the person  
27 expects to reside upon his or her discharge, parole, or release.

28 (2) Any person who is convicted in this state of the  
29 commission or attempted commission of any of the offenses  
30 specified in subdivision (a) and who is granted conditional  
31 release without supervised probation, or discharged upon  
32 payment of a fine, shall, prior to release or discharge, be  
33 informed of the duty to register under this section in open court  
34 by the court in which the person has been convicted, and the  
35 court shall require the person to read and sign any form that may  
36 be required by the Department of Justice, stating that the duty of  
37 the person to register under this section has been explained to  
38 him or her. If the court finds that it is in the interest of the  
39 efficiency of the court, the court may assign the bailiff to require  
40 the person to read and sign forms under this section. The court

1 shall obtain the address where the person expects to reside upon  
2 release or discharge and shall report within three days the address  
3 to the Department of Justice. The court shall give one copy of the  
4 form to the person, send one copy to the Department of Justice,  
5 and forward one copy to the appropriate law enforcement agency  
6 or agencies having local jurisdiction where the person expects to  
7 reside upon his or her discharge, parole, or release.

8 (d) (1) Any person who, on or after January 1, 1986, is  
9 discharged or paroled from the Department of the Youth  
10 Authority to the custody of which he or she was committed after  
11 having been adjudicated a ward of the juvenile court pursuant to  
12 Section 602 of the Welfare and Institutions Code because of the  
13 commission or attempted commission of any offense described in  
14 paragraph (3) shall be subject to registration under the procedures  
15 of this section.

16 (2) Any person who is discharged or paroled from a facility in  
17 another state that is equivalent to the Department of the Youth  
18 Authority, to the custody of which he or she was committed  
19 because of an offense which, if committed or attempted in this  
20 state, would have been punishable as one or more of the offenses  
21 described in paragraph (3), shall be subject to registration under  
22 the procedures of this section.

23 (3) Any person described in this subdivision who committed  
24 an offense in violation of any of the following provisions shall be  
25 required to register pursuant to this section:

26 (A) Assault with intent to commit rape, sodomy, oral  
27 copulation, or any violation of Section 264.1, 288, or 289 under  
28 Section 220.

29 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6)  
30 of subdivision (a) of Section 261, Section 264.1, 266c, or 267,  
31 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,  
32 Section 286, Section 288 or 288.5, paragraph (1) of subdivision  
33 (b) of, or subdivision (c) or (d) of, Section 288a, subdivision (a)  
34 of Section 289, or Section 647.6.

35 (C) A violation of Section 207 or 209 committed with the  
36 intent to violate Section 261, 286, 288, 288a, or 289.

37 (4) Prior to discharge or parole from the Department of the  
38 Youth Authority, any person who is subject to registration under  
39 this subdivision shall be informed of the duty to register under  
40 the procedures set forth in this section. Department of the Youth



1 Authority officials shall transmit the required forms and  
2 information to the Department of Justice.

3 (5) All records specifically relating to the registration in the  
4 custody of the Department of Justice, law enforcement agencies,  
5 and other agencies or public officials shall be destroyed when the  
6 person who is required to register has his or her records sealed  
7 under the procedures set forth in Section 781 of the Welfare and  
8 Institutions Code. This subdivision shall not be construed as  
9 requiring the destruction of other criminal offender or juvenile  
10 records relating to the case that are maintained by the  
11 Department of Justice, law enforcement agencies, the juvenile  
12 court, or other agencies and public officials unless ordered by a  
13 court under Section 781 of the Welfare and Institutions Code.

14 (e) (1) On or after January 1, 1998, upon incarceration,  
15 placement, or commitment, or prior to release on probation, any  
16 person who is required to register under this section shall  
17 preregister. The preregistering official shall be the admitting  
18 officer at the place of incarceration, placement, or commitment,  
19 or the probation officer if the person is to be released on  
20 probation. The preregistration shall consist of all of the  
21 following:

22 (A) A preregistration statement in writing, signed by the  
23 person, giving information that shall be required by the  
24 Department of Justice.

25 (B) The fingerprints and a current photograph of the person.

26 (C) Any person who is preregistered pursuant to this  
27 subdivision is required to be preregistered only once.

28 (2) A person described in paragraph (2) of subdivision (a)  
29 shall register, or reregister if the person has previously registered,  
30 upon release from incarceration, placement, commitment, or  
31 release on probation pursuant to paragraph (1) of subdivision (a).  
32 The registration shall consist of all of the following:

33 (A) A statement in writing signed by the person, giving  
34 information as shall be required by the Department of Justice and  
35 giving the name and address of the person's employer, and the  
36 address of the person's place of employment if that is different  
37 from the employer's main address.

38 (B) The fingerprints and a current photograph of the person  
39 taken by the registering official.

1 (C) The license plate number of any vehicle owned by,  
2 regularly driven by, or registered in the name of the person.

3 (D) Notice to the person that, in addition to the requirements  
4 of paragraph (4), he or she may have a duty to register in any  
5 other state where he or she may relocate.

6 (E) Copies of adequate proof of residence, which shall be  
7 limited to a California driver's license, California identification  
8 card, recent rent or utility receipt, printed personalized checks or  
9 other recent banking documents showing that person's name and  
10 address, or any other information that the registering official  
11 believes is reliable. If the person has no residence and no  
12 reasonable expectation of obtaining a residence in the foreseeable  
13 future, the person shall so advise the registering official and shall  
14 sign a statement provided by the registering official stating that  
15 fact. Upon presentation of proof of residence to the registering  
16 official or a signed statement that the person has no residence,  
17 the person shall be allowed to register. If the person claims that  
18 he or she has a residence but does not have any proof of  
19 residence, he or she shall be allowed to register but shall furnish  
20 proof of residence within 30 days of the date he or she is allowed  
21 to register.

22 (3) Within three days thereafter, the preregistering official or  
23 the registering law enforcement agency or agencies shall forward  
24 the statement, fingerprints, photograph, and vehicle license plate  
25 number, if any, to the Department of Justice.

26 (f) (1) If any person who is required to register pursuant to  
27 this section and who has a residence address changes his or her  
28 residence address, whether within the jurisdiction in which he or  
29 she is currently registered or to a new jurisdiction inside or  
30 outside the state, the person shall inform, in writing within five  
31 working days, the law enforcement agency or agencies with  
32 which he or she last registered of the new address or transient  
33 location and any plans he or she has to return to California, if  
34 known. If the person does not know the new residence address or  
35 location, the registrant shall inform the last registering agency or  
36 agencies that he or she is moving within five working days of the  
37 move, and shall later notify the agency or agencies of the new  
38 address or location within five working days of moving into the  
39 new residence address or location, whether temporary or  
40 permanent. The law enforcement agency or agencies shall, within

1 three working days after receipt of this information, forward a  
2 copy of the change of address information to the Department of  
3 Justice. The Department of Justice shall forward appropriate  
4 registration data to the law enforcement agency or agencies  
5 having local jurisdiction of the new place of residence.

6 (2) If the person's new address is in a Department of the  
7 Youth Authority facility or a state prison or state mental  
8 institution, an official of the place of incarceration, placement, or  
9 commitment shall, within 90 days of receipt of the person,  
10 forward the registrant's change of address information to the  
11 Department of Justice. The agency need not provide a physical  
12 address for the registrant but shall indicate that he or she is  
13 serving a period of incarceration or commitment in a facility  
14 under the agency's jurisdiction. This paragraph shall apply to  
15 persons received in a Department of the Youth Authority facility  
16 or a state prison or state mental institution on or after January 1,  
17 1999. The Department of Justice shall forward the change of  
18 address information to the agency with which the person last  
19 registered.

20 (3) If any person who is required to register pursuant to this  
21 section changes his or her name, the person shall inform, in  
22 person, the law enforcement agency or agencies with which he or  
23 she is currently registered within five working days. The law  
24 enforcement agency or agencies shall forward a copy of this  
25 information to the Department of Justice within three working  
26 days of its receipt.

27 (g) (1) Any person who is required to register under this  
28 section based on a misdemeanor conviction or juvenile  
29 adjudication who willfully violates any requirement of this  
30 section is guilty of a misdemeanor punishable by imprisonment  
31 in a county jail not exceeding one year.

32 (2) Except as provided in paragraphs (5), (7), and (9), any  
33 person who is required to register under this section based on a  
34 felony conviction or juvenile adjudication who willfully violates  
35 any requirement of this section or who has a prior conviction or  
36 juvenile adjudication for the offense of failing to register under  
37 this section and who subsequently and willfully violates any  
38 requirement of this section is guilty of a felony and shall be  
39 punished by imprisonment in the state prison for 16 months, or  
40 two or three years.

1 If probation is granted or if the imposition or execution of  
2 sentence is suspended, it shall be a condition of the probation or  
3 suspension that the person serve at least 90 days in a county jail.  
4 The penalty described in this paragraph shall apply whether or  
5 not the person has been released on parole or has been discharged  
6 from parole.

7 (3) Any person determined to be a mentally disordered sex  
8 offender or who has been found guilty in the guilt phase of trial  
9 for an offense for which registration is required under this  
10 section, but who has been found not guilty by reason of insanity  
11 in the sanity phase of the trial, or who has had a petition  
12 sustained in a juvenile adjudication for an offense for which  
13 registration is required under this section pursuant to subdivision  
14 (d), but who has been found not guilty by reason of insanity, who  
15 willfully violates any requirement of this section is guilty of a  
16 misdemeanor and shall be punished by imprisonment in a county  
17 jail not exceeding one year. For any second or subsequent willful  
18 violation of any requirement of this section, the person is guilty  
19 of a felony and shall be punished by imprisonment in the state  
20 prison for 16 months, or two or three years.

21 (4) If, after discharge from parole, the person is convicted of a  
22 felony or suffers a juvenile adjudication as specified in this  
23 subdivision, he or she shall be required to complete parole of at  
24 least one year, in addition to any other punishment imposed  
25 under this subdivision. A person convicted of a felony as  
26 specified in this subdivision may be granted probation only in the  
27 unusual case where the interests of justice would best be served.  
28 When probation is granted under this paragraph, the court shall  
29 specify on the record and shall enter into the minutes the  
30 circumstances indicating that the interests of justice would best  
31 be served by the disposition.

32 (5) Any person who has ever been adjudicated a sexually  
33 violent predator, as defined in Section 6600 of the Welfare and  
34 Institutions Code, and who fails to verify his or her registration  
35 every 90 days as required pursuant to subparagraph (E) of  
36 paragraph (1) of subdivision (a), shall be punished by  
37 imprisonment in the state prison, or in a county jail not exceeding  
38 one year.

39 (6) Except as otherwise provided in paragraph (5), any person  
40 who is required to register or reregister pursuant to clause ~~of~~ (i)

1 of subparagraph (C) of paragraph (1) of subdivision (a) and  
 2 willfully fails to comply with the requirement that he or she  
 3 reregister no less than every 30 days is guilty of a misdemeanor  
 4 and shall be punished by imprisonment in a county jail at least 30  
 5 days, but not exceeding six months. A person who willfully fails  
 6 to comply with the requirement that he or she reregister no less  
 7 than every 30 days shall not be charged with this violation more  
 8 often than once for a failure to register in any period of 90 days.  
 9 Any person who willfully commits a third or subsequent  
 10 violation of the requirements of subparagraph (C) of paragraph  
 11 (1) of subdivision (a) that he or she reregister no less than every  
 12 30 days shall be punished in accordance with either paragraph (1)  
 13 ~~of or~~ (2) of this subdivision.

14 (7) Any person who fails to provide proof of residence as  
 15 required by subparagraph (E) of paragraph (2) of subdivision (e),  
 16 regardless of the offense upon which the duty to register is based,  
 17 is guilty of a misdemeanor punishable by imprisonment in a  
 18 county jail not exceeding six months.

19 (8) Any person who is required to register under this section  
 20 who willfully violates any requirement of this section is guilty of  
 21 a continuing offense as to each requirement he or she violated.

22 (9) In addition to any other penalty imposed under this  
 23 subdivision, the failure to provide information required on  
 24 registration and reregistration forms of the Department of Justice,  
 25 or the provision of false information, is a crime punishable by  
 26 imprisonment in a county jail for a period not exceeding one  
 27 year.

28 (h) Whenever any person is released on parole or probation  
 29 and is required to register under this section but fails to do so  
 30 within the time prescribed, the parole authority, the Youthful  
 31 Offender Parole Board, or the court, as the case may be, shall  
 32 order the parole or probation of the person revoked. For purposes  
 33 of this subdivision, "parole authority" has the same meaning as  
 34 described in Section 3000.

35 (i) Except as ~~provided in Sections 290.01, 290.4, 290.45, and~~  
 36 ~~290.46~~ *otherwise provided by law*, the statements, photographs,  
 37 and fingerprints required by this section shall not be open to  
 38 inspection by the public or by any person other than a regularly  
 39 employed peace officer or other law enforcement officer.

(j) In any case in which a person who would be required to register pursuant to this section for a felony conviction is to be temporarily sent outside the institution where he or she is confined on any assignment within a city or county including firefighting, disaster control, or of whatever nature the assignment may be, the local law enforcement agency having jurisdiction over the place or places where the assignment shall occur shall be notified within a reasonable time prior to removal from the institution. This subdivision shall not apply to any person who is temporarily released under guard from the institution where he or she is confined.

(k) As used in this section, “mentally disordered sex offender” includes any person who has been determined to be a sexual psychopath or a mentally disordered sex offender under any provision which, on or before January 1, 1976, was contained in Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.

(l) (1) Every person who, prior to January 1, 1997, is required to register under this section, shall be notified whenever he or she next reregisters of the reduction of the registration period from 14 to 5 working days. This notice shall be provided in writing by the registering agency or agencies. Failure to receive this notification shall be a defense against the penalties prescribed by subdivision (g) if the person did register within 14 days.

(2) Every person who, as a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, is required to verify his or her registration every 90 days, shall be notified wherever he or she next registers of his or her increased registration obligations. This notice shall be provided in writing by the registering agency or agencies. Failure to receive this notice shall be a defense against the penalties prescribed by paragraph (5) of subdivision (g).

(m) The registration provisions of this section are applicable to every person described in this section, without regard to when his or her crime or crimes were committed or his or her duty to register pursuant to this section arose, and to every offense described in this section, regardless of when it was committed.

SEC. 4. Section 290.01 of the Penal Code is amended to read:

290.01. (a) (1) Commencing October 28, 2002, every person required to register under Section 290 who is enrolled as a

1 student of any university, college, community college, or other  
2 institution of higher learning, or is, with or without  
3 compensation, a full-time or part-time employee of that  
4 university, college, community college, or other institution of  
5 higher learning, or is carrying on a vocation at the university,  
6 college, community college, or other institution of higher  
7 learning, for more than 14 days, or for an aggregate period  
8 exceeding 30 days in a calendar year, shall, in addition to the  
9 registration required by Section 290, register with the campus  
10 police department within five working days of commencing  
11 enrollment or employment at that university, college, community  
12 college, or other institution of higher learning, on a form as may  
13 be required by the Department of Justice. The terms “employed  
14 or carries on a vocation” include employment whether or not  
15 financially compensated, volunteered, or performed for  
16 government or educational benefit. The registrant shall also  
17 notify the campus police department within five working days of  
18 ceasing to be enrolled or employed, or ceasing to carry on a  
19 vocation, at the university, college, community college, or other  
20 institution of higher learning.

21 (2) For purposes of this section, a campus police department is  
22 a police department of the University of California, California  
23 State University, or California Community College, established  
24 pursuant to Section 72330, 89560, or 92600 of the Education  
25 Code, or is a police department staffed with deputized or  
26 appointed personnel with peace officer status as provided in  
27 Section 830.6 of the Penal Code and is the law enforcement  
28 agency with the primary responsibility for investigating crimes  
29 occurring on the college or university campus on which it is  
30 located.

31 (b) If the university, college, community college, or other  
32 institution of higher learning has no campus police department,  
33 the registrant shall instead register pursuant to subdivision (a)  
34 with the police of the city in which the campus is located or the  
35 sheriff of the county in which the campus is located if the  
36 campus is located in an unincorporated area or in a city that has  
37 no police department, on a form as may be required by the  
38 Department of Justice. The requirements of subdivisions (a) and  
39 (b) are in addition to the requirements of Section 290.

(c) A first violation of this section is a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000). A second violation of this section is a misdemeanor punishable by imprisonment in a county jail for not more than six months, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine. A third or subsequent violation of this section is a misdemeanor punishable by imprisonment in a county jail for not more than one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(d) (1) (A) The following information regarding a registered sex offender on campus as to whom information shall not be made available to the public via the Internet Web site as provided in Section 290.46 may be released to members of the campus community by any campus police department or, if the university, college, community college, or other institution of higher learning has no police department, the police department or sheriff's department with jurisdiction over the campus, and any employees of those agencies, as required by Section 1092(f)(1)(I) of Title 20 of the United States Code:

- (i) The offender's full name.
- (ii) The offender's known aliases.
- (iii) The offender's gender.
- (iv) The offender's race.
- (v) The offender's physical description.
- (vi) The offender's photograph.
- (vii) The offender's date of birth.
- (viii) Crimes resulting in registration under Section 290.
- (ix) The date of last registration or reregistration.

(B) The authority provided in this subdivision is in addition to the authority of a peace officer or law enforcement agency to provide information about a registered sex offender pursuant to Section 290.45, and exists notwithstanding subdivision (i) of Section 290 or any other provision of law.

(2) Any law enforcement entity and employees of any law enforcement entity listed in paragraph (1) shall be immune from civil or criminal liability for good faith conduct under this subdivision.

(3) Nothing in this subdivision shall be construed to authorize campus police departments or, if the university, college,



1 community college, or other institution has no police department,  
2 the police department or sheriff's department with jurisdiction  
3 over the campus, to make disclosures about registrants intended  
4 to reach persons beyond the campus community.

5 (4) (A) Before being provided any information by an agency  
6 pursuant to this subdivision, a member of the campus community  
7 who requests that information shall sign a statement, on a form  
8 provided by the Department of Justice, stating that he or she is  
9 not a registered sex offender, that he or she understands the  
10 purpose of the release of information is to allow members of the  
11 campus community to protect themselves and their children from  
12 sex offenders, and that he or she understands it is unlawful to use  
13 information obtained pursuant to this subdivision to commit a  
14 crime against any registrant or to engage in illegal discrimination  
15 or harassment of any registrant. The signed statement shall be  
16 maintained in a file in the agency's office for a minimum of five  
17 years.

18 (B) An agency disseminating printed information pursuant to  
19 this subdivision shall maintain records of the means and dates of  
20 dissemination for a minimum of five years.

21 (5) For purposes of this subdivision, "campus community"  
22 means those persons present at, and those persons regularly  
23 frequenting, any place associated with an institution of higher  
24 education, including campuses; administrative and educational  
25 offices; laboratories; satellite facilities owned or utilized by the  
26 institution for educational instruction, business, or institutional  
27 events; and public areas contiguous to any campus or facility that  
28 are regularly frequented by students, employees, or volunteers of  
29 the campus.

30 SEC. 5. Section 290.4 of the Penal Code is amended to read:

31 290.4. (a) The department shall operate a service through  
32 which members of the public may provide a list of at least six  
33 persons on a form approved by the Department of Justice and  
34 inquire whether any of those persons is required to register as a  
35 sex offender and is subject to public notification. The  
36 Department of Justice shall respond with information on any  
37 person as to whom information may be available to the public via  
38 the Internet Web site as provided in Section 290.46, to the extent  
39 that information may be disclosed pursuant to Section 290.46.  
40 The Department of Justice may establish a fee for requests,

1 including all actual and reasonable costs associated with the  
2 service.

3 (b) The income from the operation of the service specified in  
4 subdivision (a) shall be deposited in the Sexual Predator Public  
5 Information Account within the Department of Justice for the  
6 purpose of the implementation of this section by the Department  
7 of Justice.

8 The moneys in the account shall consist of income from the  
9 operation of the service authorized by subdivision (a), and any  
10 other funds made available to the account by the Legislature.  
11 Moneys in the account shall be available to the Department of  
12 Justice upon appropriation by the Legislature for the purpose  
13 specified in subdivision (a).

14 (c) (1) Any person who uses information disclosed pursuant  
15 to this section to commit a felony shall be punished, in addition  
16 and consecutive to, any other punishment, by a five-year term of  
17 imprisonment in the state prison.

18 (2) Any person who, without authorization, uses information  
19 disclosed pursuant to this section to commit a misdemeanor shall  
20 be subject to, in addition to any other penalty or fine imposed, a  
21 fine of not less than five hundred dollars (\$500) and not more  
22 than one thousand dollars (\$1,000).

23 (d) (1) A person is authorized to use information disclosed  
24 pursuant to this section only to protect a person at risk.

25 (2) Except as authorized under paragraph (1) or any other  
26 provision of law, use of any information that is disclosed  
27 pursuant to this section for purposes relating to any of the  
28 following is prohibited:

29 (A) Health insurance.

30 (B) Insurance.

31 (C) Loans.

32 (D) Credit.

33 (E) Employment.

34 (F) Education, scholarships, or fellowships.

35 (G) Housing or accommodations.

36 (H) Benefits, privileges, or services provided by any business  
37 establishment.

38 (3) This section shall not affect ~~unauthorized~~ *authorized*  
39 access to, or use of, information pursuant to, among other  
40 provisions, Sections 11105 and 11105.3 of this code, Section

1 226.55 of the Civil Code, Sections ~~77.5~~ 777.5 and 14409.2 of the  
2 Financial Code, Sections 1522.01 and 1596.871 of the Health  
3 and Safety Code, and Section 432.7 of the Labor Code.

4 (4) (A) Any use of information disclosed pursuant to this  
5 section for purposes other than those provided by paragraph (1)  
6 or in violation of paragraph (2) shall make the user liable for the  
7 actual damages, and any amount that may be determined by a  
8 jury or a court sitting without a jury, not exceeding three times  
9 the amount of actual damage, and not less than two hundred fifty  
10 dollars (\$250), and attorney's fees, exemplary damages, or a civil  
11 penalty not exceeding twenty-five thousand dollars (\$25,000).

12 (B) Whenever there is reasonable cause to believe that any  
13 person or group of persons is engaged in a pattern or practice of  
14 misuse of the service specified in subdivision (a), in violation of  
15 paragraph (2), the Attorney General, any district attorney, or city  
16 attorney, or any person aggrieved by the misuse of the service is  
17 authorized to bring a civil action in the appropriate court  
18 requesting preventive relief, including an application for a  
19 permanent or temporary injunction, restraining order, or other  
20 order against the person or group of persons responsible for the  
21 pattern or practice of misuse. The foregoing remedies shall be  
22 independent of any other remedies or procedures that may be  
23 available to an aggrieved party under other provisions of law,  
24 including Part 2 (commencing with Section 43) of Division 1 of  
25 the Civil Code.

26 (e) The Department of Justice and its employees shall be  
27 immune from liability for good faith conduct under this section.

28 (f) The public notification provisions of this section are  
29 applicable to every person described in subdivision (a), without  
30 regard to when his or her crimes were committed or his or her  
31 duty to register pursuant to Section 290 arose, and to every  
32 offense subject to public notification pursuant to Section 290.46,  
33 regardless of when it was committed.

34 (g) On or before July 1, 2006, and every year thereafter, the  
35 Department of Justice shall make a report to the Legislature  
36 concerning the operation of this section.

37 SEC. 6. Section 290.45 of the Penal Code is amended to read:

38 290.45. (a) (1) Notwithstanding any other provision of law,  
39 and except as provided in paragraph (2), any designated law  
40 enforcement entity may provide information to the public about a

1 person required to register as a sex offender pursuant to Section  
2 290, by whatever means the entity deems appropriate, when  
3 necessary to ensure the public safety based upon information  
4 available to the entity concerning that specific person.

5 (2) The law enforcement entity shall include, with the  
6 disclosure, a statement that the purpose of the release of  
7 information is to allow members of the public to protect  
8 themselves and their children from sex offenders.

9 (3) Community notification by way of an Internet Web site  
10 shall be governed by Section 290.46, and a designated law  
11 enforcement entity may not post on an Internet Web site any  
12 information identifying an individual as a person required to  
13 register as a sex offender except as provided in that section  
14 unless there is a warrant outstanding for that person's arrest.

15 (b) Information that may be provided pursuant to subdivision  
16 (a) may include, but is not limited to, the offender's name,  
17 known aliases, gender, race, physical description, photograph,  
18 date of birth, address, which shall be verified prior to publication,  
19 description and license plate number of the offender's vehicles or  
20 vehicles the offender is known to drive, type of victim targeted  
21 by the offender, relevant parole or probation conditions, crimes  
22 resulting in classification under this section, and date of release  
23 from confinement, but excluding information that would identify  
24 the victim.

25 (c) (1) The designated law enforcement entity may authorize  
26 persons and entities who receive the information pursuant to this  
27 section to disclose information to additional persons only if the  
28 entity determines that disclosure to the additional persons will  
29 enhance the public safety and identifies the appropriate scope of  
30 further disclosure. A law enforcement entity may not authorize  
31 any disclosure of this information by its placement on an Internet  
32 Web site.

33 (2) A person who receives information from a law  
34 enforcement entity pursuant to paragraph (1) may disclose that  
35 information only in the manner and to the extent authorized by  
36 the law enforcement entity.

37 (d) (1) A designated law enforcement entity and its employees  
38 shall be immune from liability for good faith conduct under this  
39 section.

1 (2) Any public or private educational institution, day care  
2 facility, or any child care custodian described in Section 11165.7,  
3 or any employee of a public or private educational institution or  
4 day care facility which in good faith disseminates information as  
5 authorized pursuant to subdivision (c) shall be immune from civil  
6 liability.

7 (e) (1) Any person who uses information disclosed pursuant  
8 to this section to commit a felony shall be punished, in addition  
9 and consecutive to any other punishment, by a five-year term of  
10 imprisonment in the state prison.

11 (2) Any person who uses information disclosed pursuant to  
12 this section to commit a misdemeanor shall be subject to, in  
13 addition to any other penalty or fine imposed, a fine of not less  
14 than five hundred dollars (\$500) and not more than one thousand  
15 dollars (\$1,000).

16 (f) For purposes of this section, “designated law enforcement  
17 entity” means the Department of Justice, every district attorney,  
18 the Department of Corrections, the Department of the Youth  
19 Authority, and every state or local agency expressly authorized  
20 by statute to investigate or prosecute law violators.

21 (g) The public notification provisions of this section are  
22 applicable to every person required to register pursuant to  
23 Section 290, without regard to when his or her crimes were  
24 committed or his or her duty to register pursuant to Section 290  
25 arose, and to every offense described in Section 290, regardless  
26 of when it was committed.

27 SEC. 7. Section 290.46 of the Penal Code is amended to read:

28 290.46. (a) On or before the dates specified in this section,  
29 the Department of Justice shall make available information  
30 concerning persons who are required to register pursuant to  
31 Section 290 to the public via an Internet Web site as specified in  
32 this section. The department shall update the *Internet* Web site on  
33 an ongoing basis. All information identifying the victim by name,  
34 birth date, address, or relationship to the registrant shall be  
35 excluded from the *Internet* Web site. The name or address of the  
36 person’s employer and the listed person’s criminal history other  
37 than the specific crimes for which the person is required to  
38 register shall not be included on the ~~Web site~~. ~~The Internet Web~~  
39 ~~site.~~ *The Internet* Web site shall be translated into languages  
40 other than English as determined by the department.

(b) (1) On or before July 1, 2005, with respect to a person who has been convicted of the commission or the attempted commission of any of the offenses listed in, or who is described in, paragraph (2), the Department of Justice shall make available to the public via the Internet Web site his or her ~~names~~ *name* and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, the address at which the person resides, and any other information that the Department of Justice deems relevant, but not the information excluded pursuant to subdivision (a).

(2) This subdivision shall apply to the following offenses and offenders:

(A) Section 207 committed with intent to violate Section 261, 286, 288, 288a, or 289.

(B) Section 209 committed with intent to violate Section 261, 286, 288, 288a, or 289.

(C) Paragraph (2) or (6) of subdivision (a) of Section 261.

(D) Section 264.1.

(E) Section 269.

(F) Subdivision (c) or (d) of Section 286.

(G) Subdivision (a), (b), or (c) of Section 288, provided that the offense is a felony.

(H) Subdivision (c) or (d) of Section 288a.

(I) Section 288.5.

(J) Subdivision (a) or (j) of Section 289.

(K) Any person who has ever been adjudicated a sexually violent predator as defined in Section 6600 of the Welfare and Institutions Code.

(c) (1) On or before July 1, 2005, with respect to a person who has been convicted of the commission or the attempted commission of any of the offenses listed in paragraph (2), the Department of Justice shall make available to the public via the Internet Web site his or her ~~names~~ *name* and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, the community of residence and ZIP Code in which the person resides or the county in which the person is registered as a transient, and any other information that the Department of Justice deems relevant, but not the information excluded pursuant to subdivision (a). On or before July 1, 2006, the Department of Justice shall determine whether any person

convicted of an offense listed in paragraph (2) also has one or more prior or subsequent convictions of an offense listed in paragraph (2) of subdivision (a) of Section 290, and, for those persons, the Department of Justice shall make available to the public via the Internet Web site the address at which the person resides. However, the address at which the person resides shall not be disclosed until a determination is made that the person is, by virtue of his or her additional prior or subsequent conviction of an offense listed in paragraph (2) of subdivision (a) of Section 290, subject to this subdivision.

(2) This subdivision shall apply to the following offenses:

(A) Section 220, except assault to commit mayhem.

(B) Paragraph (1), (3), or (4) of subdivision (a) of Section 261.

(C) Paragraph (2) of subdivision (b), or subdivision (f), (g), or (i), of Section 286.

(D) Paragraph (2) of subdivision (b), or subdivision (f), (g), or (i), of Section 288a.

(E) Subdivision (b), (d), (e), or (i) of Section 289.

(d) (1) On or before July 1, 2005, with respect to a person who has been convicted of the commission or the attempted commission of any of the offenses listed in, or who is described in, this subdivision, the Department of Justice shall make available to the public via the Internet Web site his or her ~~names~~ *name* and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, the community of residence and ZIP Code in which the person resides or the county in which the person is registered as a transient, and any other information that the Department of Justice deems relevant, but not the information excluded pursuant to subdivision (a) or the address at which the person resides.

(2) This subdivision shall apply to the following offenses and offenders:

(A) Subdivision (a) of Section 243.4, provided that the offense is a felony.

(B) Section 266, provided that the offense is a felony.

(C) Section 266c, provided that the offense is a felony.

(D) Section 266j.

(E) Section 267.

(F) Subdivision (c) of Section 288, provided that the offense is a misdemeanor.

1 (G) Section 647.6.

2 (H) Any person required to register pursuant to Section 290  
3 based upon an out-of-state conviction, unless that person is  
4 excluded from the Internet Web site pursuant to subdivision (e).  
5 However, if the Department of Justice has determined that the  
6 out-of-state crime, if committed or attempted in this state, would  
7 have been punishable in this state as a crime described in  
8 subparagraph (A) of paragraph (2) of subdivision (a) of Section  
9 290, the person shall be placed on the Internet Web site as  
10 provided in ~~paragraph~~ subdivision (b) or (c), as applicable to the  
11 crime.

12 (e) (1) If a person has been convicted of the commission or  
13 the attempted commission of any of the offenses listed in this  
14 subdivision, and he or she has been convicted of no other offense  
15 listed in subdivision (b), (c), or (d) other than those listed in this  
16 subdivision, that person may file an application with the  
17 Department of Justice, on a form approved by the department, for  
18 exclusion from the Internet Web site. If the department  
19 determines that the person meets the requirements of this  
20 subdivision, the department shall grant the exclusion and no  
21 information concerning the person shall be made available via  
22 the Internet Web site described in this section. He or she bears  
23 the burden of proving the facts that make him or her eligible for  
24 exclusion from the Internet Web site. However, a person who has  
25 filed for or been granted an exclusion from the Internet Web site  
26 is not relieved of his or her duty to register as a sex offender  
27 pursuant to Section 290 nor from any otherwise applicable  
28 provision of law.

29 (2) This subdivision shall apply to the following offenses:

30 (A) A felony violation of subdivision (a) of Section 243.4.

31 (B) Section 647.6, provided the offense is a misdemeanor.

32 (C) *(i) An offense for which the offender successfully*  
33 *completed probation, provided that the offender submits to the*  
34 *department a certified copy of a probation report, presentencing*  
35 *report, report prepared pursuant to Section 288.1, or other*  
36 *official court document that clearly demonstrates both of the*  
37 *following:*

38 *(I) The offender was the victim's parent, stepparent, sibling, or*  
39 *grandparent.*



1     ~~(II) The crime did not involve either oral copulation or~~  
2     ~~penetration of the vagina or rectum of either the victim or the~~  
3     ~~offender by the penis of the other or by any foreign object.~~

4     ~~(ii) An offense for which the offender is on probation at the~~  
5     ~~time of his or her application, provided that the offender submits~~  
6     ~~to the department a certified copy of a probation report,~~  
7     ~~presentencing report, report prepared pursuant to Section 288.1,~~  
8     ~~or other official court document that clearly demonstrates both of~~  
9     ~~the following:~~

10    ~~(I) The offender was the victim's parent, stepparent, sibling, or~~  
11    ~~grandparent.~~

12    ~~(II) The crime did not involve either oral copulation or~~  
13    ~~penetration of the vagina or rectum of either the victim or the~~  
14    ~~offender by the penis of the other or by any foreign object.~~

15    ~~(iii) If, subsequent to his or her application, the offender~~  
16    ~~commits a violation of probation resulting in his or her~~  
17    ~~incarceration in county jail or state prison, his or her exclusion,~~  
18    ~~or application for exclusion, from the Internet Web site shall be~~  
19    ~~terminated.~~

20    ~~(iv) For the purposes of this subparagraph, "successfully~~  
21    ~~completed probation" means that during the period of probation~~  
22    ~~the offender neither received additional county jail or state~~  
23    ~~prison time for a violation of probation nor was convicted of~~  
24    ~~another offense resulting in a sentence to county jail or state~~  
25    ~~prison.~~

26    ~~(f) The Department of Justice shall make a reasonable effort to~~  
27    ~~provide notification to persons who have been convicted of the~~  
28    ~~commission or attempted commission of an offense specified in~~  
29    ~~subdivision (b), (c), or (d), that on or before July 1, 2005, the~~  
30    ~~department is required to make information about specified sex~~  
31    ~~offenders available to the public via an Internet Web site as~~  
32    ~~specified in this section. The Department of Justice shall also~~  
33    ~~make a reasonable effort to provide notice that some offenders~~  
34    ~~are eligible to apply for exclusion from the Internet Web site.~~

35    ~~(g) (1) A designated law enforcement entity, as defined in~~  
36    ~~subdivision (f) of Section 290.45, may make available~~  
37    ~~information concerning persons who are required to register~~  
38    ~~pursuant to Section 290 to the public via an Internet Web site as~~  
39    ~~specified in paragraph (2).~~

(2) The law enforcement entity may make available by way of an Internet Web site the information described in subdivision (c) if it determines that the public disclosure of the information about a specific offender by way of the entity's Internet Web site is necessary to ensure the public safety based upon information available to the entity concerning that specific offender.

(3) The information that may be provided pursuant to this subdivision may include the information specified in subdivision (b) of Section 290.45. However, that offender's address may not be disclosed unless he or she is a person whose address is on the Department of Justice's Internet Web site pursuant to subdivision (b) or (c).

(h) For purposes of this section, "offense" includes the statutory predecessors of that offense, or any offense committed in another jurisdiction that, if committed or attempted to be committed in this state, would have been punishable in this state as an offense listed in subparagraph (A) of paragraph (1) of subdivision (a) of Section 290.

(i) Notwithstanding Section 6254.5 of the Government Code, disclosure of information pursuant to this section is not a waiver of exemptions under Chapter 3.5 (commencing with Section 6250) of Title 1 of Division 7 of the Government Code and does not affect other statutory restrictions on disclosure in other situations.

(j) (1) Any person who uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than ten thousand dollars (\$10,000) and not more than fifty thousand dollars (\$50,000).

(2) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to any other punishment, by a five-year term of imprisonment in the state prison.

(k) Any person who is required to register pursuant to Section 290 who enters ~~a~~ *an Internet Web site* established pursuant to this section ~~is punishable~~ *shall be punished* by a fine not exceeding one thousand dollars (\$1,000), imprisonment in a county jail for a period not to exceed six months, or by both that fine and imprisonment.

1 (I) (1) A person is authorized to use information disclosed  
2 pursuant to this section only to protect a person at risk.

3 (2) Except as authorized under paragraph (1) or any other  
4 provision of law, use of any information that is disclosed  
5 pursuant to this section for purposes relating to any of the  
6 following is prohibited:

7 (A) Health insurance.

8 (B) Insurance.

9 (C) Loans.

10 (D) Credit.

11 (E) Employment.

12 (F) Education, scholarships, or fellowships.

13 (G) Housing or accommodations.

14 (H) Benefits, privileges, or services provided by any business  
15 establishment.

16 (3) This section shall not affect authorized access to, or use of,  
17 information pursuant to, among other provisions, Sections 11105  
18 and 11105.3, Section 8808 of the Family Code, Sections 777.5  
19 and 14409.2 of the Financial Code, Sections 1522.01 and  
20 1596.871 of the Health and Safety Code, and Section 432.7 of  
21 the Labor Code.

22 (4) (A) Any use of information disclosed pursuant to this  
23 section for purposes other than those provided by paragraph (1)  
24 or in violation of paragraph (2) shall make the user liable for the  
25 actual damages, and any amount that may be determined by a  
26 jury or a court sitting without a jury, not exceeding three times  
27 the amount of actual damage, and not less than two hundred fifty  
28 dollars (\$250), and attorney's fees, exemplary damages, or a civil  
29 penalty not exceeding twenty-five thousand dollars (\$25,000).

30 (B) Whenever there is reasonable cause to believe that any  
31 person or group of persons is engaged in a pattern or practice of  
32 misuse of the information available via an Internet Web site  
33 established pursuant to this section in violation of paragraph (2),  
34 the Attorney General, any district attorney, or city attorney, or  
35 any person aggrieved by the misuse is authorized to bring a civil  
36 action in the appropriate court requesting preventive relief,  
37 including an application for a permanent or temporary injunction,  
38 restraining order, or other order against the person or group of  
39 persons responsible for the pattern or practice of misuse. The  
40 foregoing remedies shall be independent of any other remedies or

1 procedures that may be available to an aggrieved party under  
2 other provisions of law, including Part 2 (commencing with  
3 Section 43) of Division 1 of the Civil Code.

4 (m) The public notification provisions of this section are  
5 applicable to every person described in this section, without  
6 regard to when his or her crimes were committed or his or her  
7 duty to register pursuant to Section 290 arose, and to every  
8 offense described in this section, regardless of when it was  
9 committed.

10 (n) On or before July 1, 2006, and every year thereafter, the  
11 Department of Justice shall make a report to the Legislature  
12 concerning the operation of this section.

13 (o) A designated law enforcement entity and its employees  
14 shall be immune from liability for good faith conduct under this  
15 section.

16 SEC. 8. Section 290.5 of the Penal Code is amended to read:

17 290.5. (a) *(1) A person required to register under Section*  
18 ~~290 may initiate a proceeding under Chapter 3.5 (commencing~~  
19 ~~with Section 4852.01) of Title 6 of Part 3, and, except persons~~  
20 ~~described in paragraph (1) of subdivision (a) of Section 290.4, as~~  
21 ~~it existed on September 23, 2004 for an offense not listed in~~  
22 ~~paragraph (2), upon obtaining a certificate of rehabilitation~~  
23 ~~under Chapter 3.5 (commencing with Section 4852.01) of Title 6~~  
24 ~~of Part 3, shall be relieved of any further duty to register under~~  
25 ~~Section 290 if he or she is not in custody, on parole, or on~~  
26 ~~probation. This certificate shall not relieve persons described in~~  
27 ~~paragraph (1) of subdivision (a) of Section 290.4, as it existed on~~  
28 ~~September 23, 2004, of the duty to register under Section 290~~  
29 ~~and shall not relieve a petitioner of the duty to register under~~  
30 ~~Section 290 for any offense subject to that section of which he or~~  
31 ~~she is convicted in the future.~~

32 *(2) A person required to register under Section 290, upon*  
33 *obtaining a certificate of rehabilitation under Chapter 3.5*  
34 *(commencing with Section 4852.01) of Title 6 of Part 3, shall not*  
35 *be relieved of the duty to register under Section 290, or of the*  
36 *duty to register under Section 290 for any offense subject to that*  
37 *section of which he or she is convicted in the future, if his or her*  
38 *conviction is for one of the following offenses:*

39 *(A) Section 207 or 209 committed with the intent to violate*  
40 *Section 261, 286, 288, 288a, or 289.*

1 (B) Section 220, except assault to commit mayhem.

2 (C) Section 243.4, provided that the offense is a felony.

3 (D) Paragraph (1),(2), (3), (4), or (6) of subdivision (a) of  
4 Section 261.

5 (E) Section 264.1.

6 (F) Section 266, provided that the offense is a felony.

7 (G) Section 266c, provided that the offense is a felony.

8 (H) Section 266j.

9 (I) Section 267.

10 (J) Section 269.

11 (K) Paragraph (1) of subdivision (b) of Section 286, provided  
12 that the offense is a felony.

13 (L) Paragraph (2) of subdivision (b) of, or subdivision (c), (d),  
14 (f), (g), (i), (j), or (k) of, Section 286.

15 (M) Section 288.

16 (N) Paragraph (1) of subdivision (b) of Section 288a, provided  
17 that the offense is a felony.

18 (O) Paragraph (2) of subdivision (b) of, or subdivision (c), (d),  
19 (f), (g), (i), (j), or (k) of, Section 288a.

20 (P) Section 288.5.

21 (Q) Subdivision (a), (b), (d),(e), (f), (g), or (h) of Section 289,  
22 provided that the offense is a felony.

23 (R) Subdivision (i) or (j) of Section 289.

24 (S) Section 647.6.

25 (T) The attempted commission of any of the offenses specified  
26 in this paragraph.

27 (U) The statutory predecessor of any of the offenses specified  
28 in this paragraph.

29 (V) Any offense which, if committed or attempted in this state,  
30 would have been punishable as one or more of the offenses  
31 specified in this paragraph.

32 (b) (1) Except as provided in paragraphs (2) and (3), a person  
33 described in paragraph ~~(1)~~ (2) of subdivision (a) ~~of Section~~  
34 ~~290.4, as it existed on September 23, 2004,~~ shall not be relieved  
35 of the duty to register until that person has obtained a full pardon  
36 as provided in Chapter 1 (commencing with Section 4800) or  
37 Chapter 3 (commencing with Section 4850) of Title 6 of Part 3.

38 (2) This subdivision does not apply to misdemeanor violations  
39 of Section 647.6.

(3) The court, upon granting a petition for a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, if the petition was granted prior to January 1, 1998, may relieve a person of the duty to register under Section 290 for a violation of Section 288 or 288.5, provided that the person was granted probation pursuant to subdivision (c) of Section 1203.066, has complied with the provisions of Section 290 for a continuous period of at least 10 years immediately preceding the filing of the petition, and has not been convicted of a felony during that period.

SEC. 9. Section 290.6 of the Penal Code is amended to read:

290.6. (a) Fifteen days before the scheduled release date of a person described in subdivision (b), the Department of Corrections shall provide to local law enforcement all of the following information regarding the person:

(1) Name.

(2) Community residence and address, including ZIP Code.

(3) Physical description.

(4) Conviction information.

(b) This subdivision shall apply to any person sentenced to the state prison who is required to register pursuant to Section 290 for a conviction of an offense specified in subdivision (b), (c), or (d) of Section 290.46 and to any person described in those subdivisions.

(c) For the purpose of this section, “law enforcement” includes any agency with which the person will be required to register upon his or her release pursuant to Section 290 based upon the person’s community of residence upon release.

(d) If it is not possible for the Department of Corrections to provide the information specified in subdivision (a) on a date that is 15 days before the scheduled release date, the information shall be provided on the next business day following that date.

(e) The Department of Corrections shall notify local law enforcement within 36 hours of learning of the change if the scheduled release date or any of the required information changes prior to the scheduled release date.

SEC. 10. Section 666.7 of the Penal Code is amended to read:

666.7. It is the intent of the Legislature that this section serve merely as a nonsubstantive comparative reference of current sentence enhancement provisions. Nothing in this section shall

1 have any substantive effect on the application of any sentence  
2 enhancement contained in any provision of law, including, but  
3 not limited to, all of the following: omission of any sentence  
4 enhancement provision, inclusion of any obsolete sentence  
5 enhancement provision, or inaccurate reference or summary of a  
6 sentence enhancement provision.

7 It is the intent of the Legislature to amend this section as  
8 necessary to accurately reflect current sentence enhancement  
9 provisions, including the addition of new provisions and the  
10 deletion of obsolete provisions.

11 For the purposes of this section, the term “sentence  
12 enhancement” means an additional term of imprisonment in the  
13 state prison added to the base term for the underlying offense. A  
14 sentence enhancement is imposed because of the nature of the  
15 offense at the time the offense was committed or because the  
16 defendant suffered a qualifying prior conviction before  
17 committing the current offense.

18 (a) The provisions listed in this subdivision imposing a  
19 sentence enhancement of one year imprisonment in the state  
20 prison may be referenced as Schedule A.

21 (1) Money laundering when the value of transactions exceeds  
22 fifty thousand dollars (\$50,000), but is less than one hundred  
23 fifty thousand dollars (\$150,000) (subpara. (A), para. (1), subd.  
24 (c), Sec. 186.10, Pen. C.).

25 (2) Commission of two or more related felonies, a material  
26 element of which is fraud or embezzlement, which involve a  
27 pattern of related felony conduct, involving the taking of more  
28 than one hundred thousand dollars (\$100,000) (para. (3), subd.  
29 (a), Sec. 186.11, Pen. C.).

30 (3) Felony conviction of willful harm or injury to a child,  
31 involving female genital mutilation (subd. (a), Sec. 273.4, Pen.  
32 C.).

33 (4) Prior conviction of felony hate crime with a current  
34 conviction of felony hate crime (subd. (e), Sec. 422.75, Pen. C.).

35 (5) Harming, obstructing, or interfering with any horse or dog  
36 being used by any peace officer in the discharge or attempted  
37 discharge of his or her duties and, with the intent to so harm,  
38 obstruct, or interfere, personally causing the death, destruction,  
39 or serious physical injury of any horse or dog (subd. (c), Sec.  
40 600, Pen. C.).

- 1 (6) Prior prison term with current felony conviction (subd. (b),  
2 Sec. 667.5, Pen. C.).
- 3 (7) Commission of any specified offense against a person who  
4 is 65 years of age or older, blind, a paraplegic or quadriplegic, or  
5 under 14 years of age (subd. (a), Sec. 667.9, Pen. C.).
- 6 (8) Showing child pornography to a minor prior to or during  
7 the commission or attempted commission of any lewd or  
8 lascivious act with the minor (subd. (a), Sec. 667.15, Pen. C.).
- 9 (9) Felony conviction of forgery, grand theft, or false  
10 pretenses as part of *a* plan or scheme to defraud an owner in  
11 connection with repairs to a structure damaged by a natural  
12 disaster (subd. (a), Sec. 667.16, Pen. C.).
- 13 (10) Impersonating a peace officer during the commission of a  
14 felony (Sec. 667.17, Pen. C.).
- 15 (11) Felony conviction of any specified offense, including, but  
16 not limited to, forgery, grand theft, and false pretenses, as part of  
17 *a* plan or scheme to defraud an owner in connection with repairs  
18 to a structure damaged by natural disaster with a prior felony  
19 conviction of any of those offenses (subd. (c), Sec. 670, Pen. C.).
- 20 (12) Commission or attempted commission of a felony while  
21 armed with a firearm (para. (1), subd. (a), Sec. 12022, Pen. C.).
- 22 (13) Personally using a deadly or dangerous weapon in the  
23 commission or attempted commission of a felony (para. (1),  
24 subd. (b), Sec. 12022, Pen. C.).
- 25 (14) Taking, damaging, or destroying any property in the  
26 commission or attempted commission of a felony with the intent  
27 to cause that taking, damage, or destruction when the loss  
28 exceeds fifty thousand dollars (\$50,000) (para. (1), subd. (a), Sec.  
29 12022.6, Pen. C.).
- 30 (15) Transferring, lending, selling, or giving any assault  
31 weapon to a minor (para. (2), subd. (a), Sec. 12280, Pen. C.).
- 32 (16) Manufacturing, causing to be manufactured, distributing,  
33 transporting, importing, keeping for sale, offering or exposing for  
34 sale, giving, or lending any assault weapon while committing  
35 another crime (subd. (d), Sec. 12280, Pen. C.).
- 36 (17) Inducing, employing, or using a minor to commit a drug  
37 offense involving heroin, cocaine, or cocaine base, or unlawfully  
38 furnishing one of these controlled substances to a minor, upon  
39 the grounds of, or within, a church, playground, youth center,  
40 child day care facility, or public swimming pool during business



1 hours or whenever minors are using the facility (para. (1), subd.  
2 (a), Sec. 11353.1, H.& S.C.).

3 (18) Inducing another person to commit a drug offense as part  
4 of the drug transaction for which the defendant is convicted when  
5 the value of the controlled substance involved exceeds five  
6 hundred thousand dollars (\$500,000) (para. (1), subd. (a), Sec.  
7 11356.5, H.& S.C.).

8 (19) Manufacturing, compounding, converting, producing,  
9 deriving, processing, or preparing methamphetamine or  
10 phencyclidine (PCP), or attempting to commit any of those acts,  
11 or possessing specified combinations of substances with the  
12 intent to manufacture either methamphetamine or phencyclidine  
13 (PCP), when the commission or attempted commission of the  
14 offense causes the death or great bodily injury of another person  
15 other than an accomplice (subd. (a), Sec. 11379.9, H.& S.C.).

16 (20) Using a minor to commit a drug offense involving  
17 phencyclidine (PCP), methamphetamine, or lysergic acid  
18 diethylamide (LSD), or unlawfully furnishing one of these  
19 controlled substances to a minor, when the commission of the  
20 offense occurs upon the grounds of, or within, a church,  
21 playground, youth center, child day care facility, or public  
22 swimming pool during business hours or whenever minors are  
23 using the facility (para. (1), subd. (a), Sec. 11380.1, H.& S.C.).

24 (21) Causing bodily injury or death to more than one victim in  
25 any one instance of driving under the influence of any alcoholic  
26 beverage or drug (Sec. 23558, Veh. C.).

27 (22) Fraudulently appropriating food stamps, electronically  
28 transferred benefits, or authorizations to participate in the federal  
29 Food Stamp Program entrusted to a public employee, or  
30 knowingly using, transferring, selling, purchasing, or possessing  
31 any of the same in an unauthorized manner, when the offense is  
32 committed by means of an electronic transfer of benefits in an  
33 amount exceeding fifty thousand dollars (\$50,000), but less than  
34 one hundred fifty thousand dollars (\$150,000) (subpara. (A),  
35 para. (1), subd. (h), Sec. 10980, W.& I.C.).

36 (b) The provisions listed in this subdivision imposing a  
37 sentence enhancement of one, two, or three years' imprisonment  
38 in the state prison may be referenced as Schedule B.

39 (1) Commission or attempted commission of a felony hate  
40 crime (subd. (a), Sec. 422.75, Pen. C.).

1 (2) Commission or attempted commission of a felony against  
2 the property of a public or private institution because the  
3 property is associated with a person or group of identifiable race,  
4 color, religion, nationality, country of origin, ancestry, gender,  
5 disability, or sexual orientation (subd. (b), Sec. 422.75, Pen. C.).

6 (3) Felony conviction of unlawfully causing a fire of any  
7 structure, forest land, or property when the defendant has been  
8 previously convicted of arson or unlawfully causing a fire, or  
9 when a firefighter, peace officer, or emergency personnel  
10 suffered great bodily injury, or when the defendant proximately  
11 caused great bodily injury to more than one victim, or caused  
12 multiple structures to burn (subd. (a), Sec. 452.1, Pen. C.).

13 (4) Carrying a loaded or unloaded firearm during the  
14 commission or attempted commission of any felony street gang  
15 crime (subd. (a), Sec. 12021.5, Pen. C.).

16 (5) Personally using a deadly or dangerous weapon in the  
17 commission of carjacking or attempted carjacking (para. (2),  
18 subd. (b), Sec. 12022, Pen. C.).

19 (6) Being a principal in the commission or attempted  
20 commission of any specified drug offense, knowing that another  
21 principal is personally armed with a firearm (subd. (d), Sec.  
22 12022, Pen. C.).

23 (7) Furnishing or offering to furnish a firearm to another for  
24 the purpose of aiding, abetting, or enabling that person or any  
25 other person to commit a felony (Sec. 12022.4, Pen. C.).

26 (8) Selling, supplying, delivering, or giving possession or  
27 control of a firearm to any person within a prohibited class or to  
28 a minor when the firearm is used in the subsequent commission  
29 of a felony (para. (4), subd. (g), Sec. 12072, Pen. C.).

30 (9) Inducing, employing, or using a minor who is at least four  
31 years younger than the defendant to commit a drug offense  
32 involving any specified controlled substance, including, but not  
33 limited to, heroin, cocaine, and cocaine base, or unlawfully  
34 providing one of these controlled substances to a minor (para.  
35 (3), subd. (a), Sec. 11353.1, H.& S.C.).

36 (10) Prior conviction of inducing, employing, or using a minor  
37 to commit a drug offense involving cocaine base, or unlawfully  
38 providing cocaine base to a minor that resulted in a prison  
39 sentence with a current conviction of the same offense (subd. (a),  
40 Sec. 11353.4, H.& S.C.).

1 (11) Prior conviction of inducing, employing, or using a minor  
2 to commit a drug offense involving cocaine base, or unlawfully  
3 providing cocaine base to a minor with a current conviction of  
4 the same offense involving a minor who is 14 years of age or  
5 younger (subd. (b), Sec. 11353.4, H.& S.C.).

6 (12) Inducing, employing, or using a minor who is at least four  
7 years younger than the defendant to commit a drug offense  
8 involving any specified controlled substance, including, but not  
9 limited to, phencyclidine (PCP), methamphetamine, and lysergic  
10 acid diethylamide (LSD), or unlawfully providing one of these  
11 controlled substances to a minor (para. (3), subd. (a), Sec.  
12 11380.1, H.& S.C.).

13 (13) Causing great bodily injury or a substantial probability  
14 that death could result by the knowing disposal, transport,  
15 treatment, storage, burning, or incineration of any hazardous  
16 waste at a facility without permits or at an unauthorized point  
17 (subd. (e), Sec. 25189.5, and subd. (c), Sec. 25189.7, H.& S.C.).

18 (c) The provisions listed in this subdivision imposing a  
19 sentence enhancement of one, two, or five years' imprisonment  
20 in the state prison may be referenced as Schedule C.

21 (1) Wearing a bullet-resistant body vest in the commission or  
22 attempted commission of a violent offense (subd. (b), Sec.  
23 12022.2, Pen. C.).

24 (2) Commission or attempted commission of any specified sex  
25 offense while armed with a firearm or deadly weapon (subd. (b),  
26 Sec. 12022.3, Pen. C.).

27 (d) The provisions listed in this subdivision imposing a  
28 sentence enhancement of 16 months, or two or three years'  
29 imprisonment in the state prison may be referenced as Schedule  
30 D.

31 Knowing failure to register pursuant to Section 186.30 and  
32 subsequent conviction or violation of Section 186.30, as  
33 specified (para. (1), subd. (b), Sec. 186.33, Pen. C.).

34 (e) The provisions listed in this subdivision imposing a  
35 sentence enhancement of two years' imprisonment in the state  
36 prison may be referenced as Schedule E.

37 (1) Money laundering when the value of the transactions  
38 exceeds one hundred fifty thousand dollars (\$150,000), but is less  
39 than one million dollars (\$1,000,000) (subpara. (B), para. (1),  
40 subd. (c), Sec. 186.10, Pen. C.).

1 (2) Commission of two or more related felonies, a material  
2 element of which is fraud or embezzlement, which involve a  
3 pattern of related felony conduct, involving the taking of more  
4 than one hundred fifty thousand dollars (\$150,000) (para. (3),  
5 subd. (a), Sec. 186.11, Pen. C.).

6 (3) Conviction of any specified felony sex offense that is  
7 committed after fleeing to this state under specified  
8 circumstances (subd. (d), Sec. 289.5, Pen. C.).

9 (4) Prior conviction of any specified insurance fraud offense  
10 with *a* current conviction of willfully injuring, destroying,  
11 secreting, abandoning, or disposing of any property insured  
12 against loss or damage by theft, embezzlement, or any casualty  
13 with the intent to defraud or prejudice the insurer (subd. (b), Sec.  
14 548, Pen. C.).

15 (5) Prior conviction of any specified insurance fraud offense  
16 with *a* current conviction of knowingly presenting any false or  
17 fraudulent insurance claim or multiple claims for the same loss or  
18 injury, or knowingly causing or participating in a vehicular  
19 collision for the purpose of presenting any false or fraudulent  
20 claim, or providing false or misleading information or concealing  
21 information for purpose of insurance fraud (subd. (e), Sec. 550,  
22 Pen. C.).

23 (6) Causing serious bodily injury as a result of knowingly  
24 causing or participating in a vehicular collision or accident for  
25 the purpose of presenting any false or fraudulent claim (subd. (g),  
26 Sec. 550, Pen. C.).

27 (7) Harming, obstructing, or interfering with any horse or dog  
28 being used by any peace officer in the discharge or attempted  
29 discharge of his or her duties and, with the intent to cause great  
30 bodily injury, personally causing great bodily injury to any  
31 person other than an accomplice (subd. (d), Sec. 600, Pen. C.).

32 (8) Prior conviction of any specified offense with *a* current  
33 conviction of any of those offenses committed against a person  
34 who is 65 years of age or older, blind, a paraplegic or  
35 quadriplegic, or under 14 years of age (subd. (b), Sec. 667.9, Pen.  
36 C.).

37 (9) Prior conviction for sexual penetration with *a* current  
38 conviction of the same offense committed against a person who  
39 is 65 years of age or older, blind, deaf, developmentally disabled,

1 a paraplegic or quadriplegic, or under 14 years of age (subd. (a),  
2 Sec. 667.10, Pen. C.).

3 (10) Showing child pornography to a minor prior to or during  
4 the commission or attempted commission of continuous sexual  
5 abuse of the minor (subd. (b), Sec. 667.15, Pen. C.).

6 (11) Primary care provider in a day care facility committing  
7 any specified felony sex offense against a minor entrusted to his  
8 or her care (subd. (a), Sec. 674, Pen. C.).

9 (12) Commission of a felony offense while released from  
10 custody on bail or own recognizance (subd. (b), Sec. 12022.1,  
11 Pen. C.).

12 (13) Taking, damaging, or destroying any property in the  
13 commission or attempted commission of a felony with the intent  
14 to cause that taking, damage, or destruction when the loss  
15 exceeds one hundred fifty thousand dollars (\$150,000) (para. (2),  
16 subd. (a), Sec. 12022.6, Pen. C.).

17 (14) Inducing, employing, or using a minor to commit a drug  
18 offense involving heroin, cocaine, or cocaine base, or unlawfully  
19 furnishing one of these controlled substances to a minor, upon, or  
20 within 1,000 feet of, the grounds of a school during school hours  
21 or whenever minors are using the facility (para. (2), subd. (a),  
22 Sec. 11353.1, H.& S.C.).

23 (15) Inducing another person to commit a drug offense as part  
24 of the drug transaction for which the defendant is convicted when  
25 the value of the controlled substance involved exceeds two  
26 million dollars (\$2,000,000) (para. (2), subd. (a), Sec. 11356.5,  
27 H.& S.C.).

28 (16) Manufacturing, compounding, converting, producing,  
29 deriving, processing, or preparing methamphetamine or  
30 phencyclidine (PCP), or attempting to commit any of those acts,  
31 or possessing specified combinations of substances with the  
32 intent to manufacture either methamphetamine or phencyclidine  
33 (PCP), when the commission or attempted commission of the  
34 crime occurs in a structure where any child under 16 years of age  
35 is present (subd. (a), Sec. 11379.7, H.& S.C.).

36 (17) Using a minor to commit a drug offense involving  
37 phencyclidine (PCP), methamphetamine, or lysergic acid  
38 diethylamide (LSD), or unlawfully furnishing one of these  
39 controlled substances to a minor, upon, or within 1,000 feet of,  
40 the grounds of a school during school hours or whenever minors

1 are using the facility (para. (2), subd. (a), Sec. 11380.1, H.&  
2 S.C.).

3 (18) Prior felony conviction of any specified insurance fraud  
4 offense with a current conviction of making false or fraudulent  
5 statements concerning a workers' compensation claim (subd. (c),  
6 Sec. 1871.4, Ins. C.).

7 (19) Prior felony conviction of making or causing to be made  
8 any knowingly false or fraudulent statement of any fact material  
9 to the determination of the premium, rate, or cost of any policy of  
10 workers' compensation insurance for the purpose of reducing the  
11 premium, rate, or cost of the insurance with a current conviction  
12 of the same offense (subd. (b), Sec. 11760, Ins. C.).

13 (20) Prior felony conviction of making or causing to be made  
14 any knowingly false or fraudulent statement of any fact material  
15 to the determination of the premium, rate, or cost of any policy of  
16 workers' compensation insurance issued or administered by the  
17 State Compensation Insurance Fund for the purpose of reducing  
18 the premium, rate, or cost of the insurance with a current  
19 conviction of the same offense (subd. (b), Sec. 11880, Ins. C.).

20 (21) Fraudulently appropriating food stamps, electronically  
21 transferred benefits, or authorizations to participate in the federal  
22 Food Stamp ~~Program~~ *program* entrusted to a public employee, or  
23 knowingly using, transferring, selling, purchasing, or possessing,  
24 any of the same in an unauthorized manner, when the offense is  
25 committed by means of an electronic transfer of benefits in an  
26 amount exceeding one hundred fifty thousand dollars (\$150,000),  
27 but less than one million dollars (\$1,000,000) (subpara. (B), para.  
28 (1), subd. (h), Sec. 10980, W.& I.C.).

29 (f) The provisions listed in this subdivision imposing a  
30 sentence enhancement of two, three, or four years' imprisonment  
31 in the state prison may be referenced as Schedule F.

32 (1) Commission of a felony, other than a serious or violent  
33 felony, for the benefit of, at the direction of, or in association  
34 with, any criminal street gang, with the specific intent to  
35 promote, further, or assist in any criminal conduct by gang  
36 members (subpara. (A), para. (1), subd. (b), Sec. 186.22, Pen.  
37 C.).

38 (2) Acting in concert with another person or aiding or abetting  
39 another person in committing or attempting to commit a felony  
40 hate crime (subd. (c), Sec. 422.75, Pen. C.).

1 (3) Carrying a loaded or unloaded firearm together with a  
2 detachable shotgun magazine, a detachable pistol magazine, a  
3 detachable magazine, or a belt-feeding device during the  
4 commission or attempted commission of any felony street gang  
5 crime (subd. (b), Sec. 12021.5, Pen. C.).

6 (g) The provisions listed in this subdivision imposing a  
7 sentence enhancement of two, three, or five years' imprisonment  
8 in the state prison may be referenced as Schedule G.

9 Commission of two or more related felonies, a material  
10 element of which is fraud or embezzlement, which involve a  
11 pattern of related felony conduct, involving the taking of more  
12 than five hundred thousand dollars (\$500,000) (para. (2), subd.  
13 (a), Sec. 186.11, Pen. C.).

14 (h) The provisions listed in this subdivision imposing a  
15 sentence enhancement of three years' imprisonment in the state  
16 prison may be referenced as Schedule H.

17 (1) Money laundering when the value of transactions exceeds  
18 one million dollars (\$1,000,000), but is less than two million five  
19 hundred thousand dollars (\$2,500,000) (subpara. (C), para. (1),  
20 subd. (c), Sec. 186.10, Pen. C.).

21 (2) Solicitation, recruitment, or coercion, of a minor to  
22 actively participate in a criminal street gang (subd. (d), Sec.  
23 186.26, Pen. C.).

24 (3) Willfully mingling any poison or harmful substance which  
25 may cause death if ingested, or which causes the infliction of  
26 great bodily injury on any person, with any food, drink,  
27 medicine, or pharmaceutical product or willfully placing that  
28 poison or harmful substance in any spring, well, reservoir, or  
29 public water supply (para. (2), subd. (a), Sec. 347, Pen. C.).

30 (4) Causing great bodily injury by willfully causing or  
31 permitting any elder or dependent adult to suffer, or inflicting  
32 pain or mental suffering upon, or endangering the health of, an  
33 elder or dependent adult when the victim is under 70 years of age  
34 (subpara. (A), para. (2), subd. (b), Sec. 368, Pen. C.).

35 (5) Maliciously driving or placing, in any tree, saw-log,  
36 shingle-bolt, or other wood, any iron, steel, ceramic, or other  
37 substance sufficiently hard to injure saws and causing bodily  
38 injury to another person other than an accomplice (subd. (b), Sec.  
39 593a, Pen. C.).

1 (6) Prior prison term for violent felony with *a* current violent  
2 felony conviction (subd. (a), Sec. 667.5, Pen. C.).

3 (7) Commission of any specified felony sex offense by a  
4 primary care provider in a day care facility against a minor  
5 entrusted to his or her care while voluntarily acting in concert  
6 with another (subd. (b), Sec. 674, Pen. C.).

7 (8) Commission or attempted commission of a felony while  
8 armed with an assault weapon or a machinegun (para. (2), subd.  
9 (a), Sec. 12022, Pen. C.).

10 (9) Taking, damaging, or destroying any property in the  
11 commission or attempted commission of a felony with the intent  
12 to cause that taking, damage, or destruction when the loss  
13 exceeds one million dollars (\$1,000,000) (para. (3), subd. (a),  
14 Sec. 12022.6, Pen. C.).

15 (10) Personally inflicting great bodily injury on any person  
16 other than an accomplice in the commission or attempted  
17 commission of a felony (subd. (a), Sec. 12022.7, Pen. C.).

18 (11) Administering by injection, inhalation, ingestion, or any  
19 other means, any specified controlled substance against the  
20 victim's will by means of force, violence, or fear of immediate  
21 and unlawful bodily injury to the victim or another person for the  
22 purpose of committing a felony (Sec. 12022.75, Pen. C.).

23 (12) Commission of any specified sex offense with knowledge  
24 that the defendant has acquired immunodeficiency syndrome  
25 (AIDS) or with the knowledge that he or she carries antibodies of  
26 the human immunodeficiency virus at the time of the commission  
27 of the offense (subd. (a), Sec. 12022.85, Pen. C.).

28 (13) Inducing another person to commit a drug offense as part  
29 of the drug transaction for which the defendant is convicted when  
30 the value of the controlled substance involved exceeds five  
31 million dollars (\$5,000,000) (para. (3), subd. (a), Sec. 11356.5,  
32 H.& S.C.).

33 (14) Prior conviction of any specified drug offense with *a*  
34 current conviction of any specified drug offense (subds. (a), (b),  
35 and (c), Sec. 11370.2, H.& S.C.).

36 (15) Commission of any specified drug offense involving a  
37 substance containing heroin, cocaine base, cocaine,  
38 methamphetamine, amphetamine, or phencyclidine (PCP), when  
39 the substance exceeds one kilogram or 30 liters (para. (1), subd.  
40 (a), and para. (1), subd. (b), Sec. 11370.4, H.& S.C.).



1 (16) Manufacturing, compounding, converting, producing,  
2 deriving, processing, or preparing any substance containing  
3 amphetamine, methamphetamine, or phencyclidine (PCP) or its  
4 analogs or precursors, or attempting to commit any of those acts,  
5 when the substance exceeds three gallons or one pound (para.  
6 (1), subd. (a), Sec. 11379.8, H.& S.C.).

7 (17) Four or more prior convictions of specified  
8 alcohol-related vehicle offenses with *a* current conviction of  
9 driving under the influence and causing great bodily injury (subd.  
10 (c), Sec. 23566, Veh. C.).

11 (18) Fraudulently appropriating food stamps, electronically  
12 transferred benefits, or authorizations to participate in the federal  
13 Food Stamp ~~Program~~ *program* entrusted to a public employee, or  
14 knowingly using, transferring, selling, purchasing, or possessing,  
15 any of the same in an unauthorized manner, when the offense is  
16 committed by means of an electronic transfer of benefits in an  
17 amount exceeding one million dollars (\$1,000,000), but less than  
18 two million five hundred thousand dollars (\$2,500,000) (subpara.  
19 (C), para. (1), subd. (h), Sec. 10980, W.& I.C.).

20 (i) The provisions listed in this subdivision imposing a  
21 sentence enhancement of three, four, or five years' imprisonment  
22 in the state prison may be referenced as Schedule I.

23 (1) Commission of felony arson with *a* prior conviction of  
24 arson or unlawfully starting a fire, or causing great bodily injury  
25 to a firefighter, peace officer, other emergency personnel, or  
26 multiple victims, or causing the burning of multiple structures, or  
27 using an accelerator or ignition delay device (subd. (a), Sec.  
28 451.1, Pen. C.).

29 (2) Commission or attempted commission of any specified  
30 drug offense while personally armed with a firearm (subd. (c),  
31 Sec. 12022, Pen. C.).

32 (3) Personally inflicting great bodily injury under  
33 circumstances involving domestic violence in the commission or  
34 attempted commission of a felony (subd. (e), Sec. 12022.7, Pen.  
35 C.).

36 (4) Commission of any specified drug offense involving  
37 cocaine base, heroin, or methamphetamine, or a conspiracy to  
38 commit any of those offenses, upon the grounds of, or within  
39 1,000 feet of, a school during school hours or when minors are  
40 using the facility (subd. (b), Sec. 11353.6, H.& S.C.).

(5) Commission of any specified drug offense involving cocaine base, heroin, or methamphetamine, or a conspiracy to violate any of those offenses, involving a minor who is at least four years younger than the defendant (subd. (c), Sec. 11353.6, H.& S.C.).

(j) The provisions listed in this subdivision imposing a sentence enhancement of 3, 4, or 10 years' imprisonment in the state prison may be referenced as Schedule J.

(1) Commission or attempted commission of any felony while armed with a firearm and in the immediate possession of ammunition for the firearm designed primarily to penetrate metal or armor (subd. (a), Sec. 12022.2, Pen. C.).

(2) Commission or attempted commission of any specified sex offense while using a firearm or deadly weapon (subd. (a), Sec. 12022.3, Pen. C.).

(3) Commission or attempted commission of a felony while personally using a firearm (subd. (a), Sec. 12022.5, Pen. C.).

(k) The provisions listed in this subdivision imposing a sentence enhancement of four years' imprisonment in the state prison may be referenced as Schedule K.

(1) Money laundering when the value of transactions exceeds two million five hundred thousand dollars (\$2,500,000) (subpara. (D), para. (1), subd. (c), Sec. 186.10, Pen. C.).

(2) Prior conviction of willfully inflicting upon a child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition with a current conviction of that offense (subd. (b), Sec. 273d, Pen. C.).

(3) Taking, damaging, or destroying any property in the commission or attempted commission of a felony with the intent to cause that taking, damage, or destruction when the loss exceeds two million five hundred thousand dollars (\$2,500,000) (para. (4), subd. (a), Sec. 12022.6, Pen. C.).

(4) Willfully causing or permitting any child to suffer, or inflicting on the child unjustifiable physical pain or injury that results in death under circumstances or conditions likely to produce great bodily harm or death, or, having the care or custody of any child, willfully causing or permitting that child to be injured or harmed under circumstances likely to produce great bodily harm or death, when that injury or harm results in death (Sec. 12022.95, Pen. C.).

1 (5) Fraudulently appropriating food stamps, electronically  
2 transferred benefits, or authorizations to participate in the federal  
3 Food Stamp ~~Program~~ *program* entrusted to a public employee, or  
4 knowingly using, transferring, selling, purchasing, or possessing,  
5 any of the same in an unauthorized manner, when the offense is  
6 committed by means of an electronic transfer of benefits in an  
7 amount exceeding two million five hundred thousand dollars  
8 (\$2,500,000) (subpara. (D), para. (1), subd. (h), Sec. 10980, W.&  
9 I.C.).

10 (6) Execution of a scheme or artifice to defraud the Medi-Cal  
11 program or any other health care program administered by the  
12 State Department of Health Services or its agents or contractors,  
13 or to obtain under false or fraudulent pretenses, representations,  
14 or promises any property owned by or under the custody of the  
15 Medi-Cal program or any health care program administered by  
16 the department, its agents, or contractors under circumstances  
17 likely to cause or that do cause two or more persons great bodily  
18 injury (subd. (d), Sec. 14107, W.& I.C.).

19 (l) The provisions listed in this subdivision imposing a  
20 sentence enhancement of four, five, or six years' imprisonment in  
21 the state prison may be referenced as Schedule L.

22 Personally inflicting great bodily injury on a child under the  
23 age of five years in the commission or attempted commission of  
24 a felony (subd. (d), Sec. 12022.7, Pen. C.).

25 (m) The provisions listed in this subdivision imposing a  
26 sentence enhancement of five years' imprisonment in the state  
27 prison may be referenced as Schedule M.

28 (1) Commission of a serious felony for the benefit of, at the  
29 direction of, or in association with, any criminal street gang, with  
30 the specific intent to promote, further, or assist in any criminal  
31 conduct by gang members (subpara. (B), para. (1), subd. (b), Sec.  
32 186.22, Pen. C.).

33 (2) Using sex offender registration information to commit a  
34 felony (para. (1), subd. (c), Sec. 290.4, para. (1), subd. (e), Sec.  
35 290.45, and para. (2), subd. (j), Sec. 290.46, Pen. C.).

36 (3) Causing great bodily injury by willfully causing or  
37 permitting any elder or dependent adult to suffer, or inflicting  
38 pain or mental suffering upon, or endangering the health of, an  
39 elder or dependent adult when the victim is 70 years of age or  
40 older (subpara. (B), para. (2), subd. (b), Sec. 368, Pen. C.).

1 (4) Causing death by willfully causing or permitting any elder  
2 or dependent adult to suffer, or inflicting pain or mental suffering  
3 upon, or endangering the health of, an elder or dependent adult  
4 when the victim is under 70 years of age (subpara. (A), para. (3),  
5 subd. (b), Sec. 368, Pen. C.).

6 (5) Two prior felony convictions of knowingly causing or  
7 participating in a vehicular collision or accident for the purpose  
8 of presenting any false or fraudulent claim with *a* current  
9 conviction of the same (subd. (f), Sec. 550, Pen. C.).

10 (6) Prior conviction of a serious felony with *a* current  
11 conviction of a serious felony (para. (1), subd. (a), Sec. 667, Pen.  
12 C.).

13 (7) Prior conviction of any specified sex offense with *a* current  
14 conviction of lewd and lascivious acts with a child under 14  
15 years of age (subd. (a), Sec. 667.51, Pen. C.).

16 (8) Prior conviction of any specified sex offense with *a* current  
17 conviction of any of those sex offenses (subd. (a), Sec. 667.6,  
18 Pen. C.).

19 (9) Kidnapping or carrying away any child under 14 years of  
20 age with the intent to permanently deprive the parent or legal  
21 guardian custody of that child (Sec. 667.85, Pen. C.).

22 (10) Personally inflicting great bodily injury on any person  
23 other than an accomplice in the commission or attempted  
24 commission of a felony that causes the victim to become  
25 comatose due to a brain injury or to suffer paralysis of a  
26 permanent nature (subd. (b), Sec. 12022.7, Pen. C.).

27 (11) Personally inflicting great bodily injury on another person  
28 who is 70 years of age or older other than an accomplice in the  
29 commission or attempted commission of a felony (subd. (c), Sec.  
30 12022.7, Pen. C.).

31 (12) Inflicting great bodily injury on any victim in the  
32 commission or attempted commission of any specified sex  
33 offense (Sec. 12022.8, Pen. C.).

34 (13) Personally and intentionally inflicting injury upon a  
35 pregnant woman during the commission or attempted  
36 commission of a felony that results in the termination of the  
37 pregnancy when the defendant knew or reasonably should have  
38 known that the victim was pregnant (Sec. 12022.9, Pen. C.).

39 (14) Using information disclosed to the licensee of a  
40 community care facility by a prospective client regarding his or

her status as a sex offender to commit a felony (subd. (c), Sec. 1522.01, H.& S.C.).

(15) Commission of any specified drug offense involving a substance containing heroin, cocaine base, cocaine, methamphetamine, amphetamine, or phencyclidine (PCP), when the substance exceeds four kilograms or 100 liters (para. (2), subd. (a), and para. (2), subd. (b), Sec. 11370.4, H.& S.C.).

(16) Manufacturing, compounding, converting, producing, deriving, processing, or preparing methamphetamine or phencyclidine (PCP), or attempting to commit any of those acts, or possessing specified combinations of substances with the intent to manufacture either methamphetamine or phencyclidine (PCP), when the commission of the crime causes any child under 16 years of age to suffer great bodily injury (subd. (b), Sec. 11379.7, H.& S.C.).

(17) Manufacturing, compounding, converting, producing, deriving, processing, or preparing any substance containing amphetamine, methamphetamine, or phencyclidine (PCP) or its analogs or precursors, or attempting to commit any of those acts, when the substance exceeds 10 gallons or three pounds (para. (2), subd. (a), Sec. 11379.8, H.& S.C.).

(18) Fleeing the scene of the crime after *the* commission of vehicular manslaughter (subd. (c), Sec. 20001, Veh. C.).

(n) The provisions listed in this subdivision imposing a sentence enhancement of 5, 6, or 10 years' imprisonment in the state prison may be referenced as Schedule N.

(1) Commission or attempted commission of a felony while personally using an assault weapon or a machinegun (subd. (b), Sec. 12022.5, Pen. C.).

(2) Discharging a firearm from a motor vehicle in the commission or attempted commission of a felony with the intent to inflict great bodily injury or death and causing great bodily injury or death (Sec. 12022.55, Pen. C.).

(o) The provisions listed in this subdivision imposing a sentence enhancement of seven years' imprisonment in the state prison may be referenced as Schedule O.

Causing death by willfully causing or permitting any elder or dependent adult to suffer, or inflicting pain or mental suffering upon, or endangering the health of, an elder or dependent adult

1 when the victim is 70 years of age or older (subpara. (B), para.  
2 (3), subd. (b), Sec. 368, Pen. C.).

3 (p) The provisions listed in this subdivision imposing a  
4 sentence enhancement of nine years' imprisonment in the state  
5 prison may be referenced as Schedule P.

6 Kidnapping a victim for the purpose of committing any  
7 specified felony sex offense (subd. (a), Sec. 667.8, Pen. C.).

8 (q) The provisions listed in this subdivision imposing a  
9 sentence enhancement of 10 years' imprisonment in the state  
10 prison may be referenced as Schedule Q.

11 (1) Commission of a violent felony for the benefit of, at the  
12 direction of, or in association with, any criminal street gang, with  
13 the specific intent to promote, further, or assist in any criminal  
14 conduct by gang members (subpara. (C), para. (1), subd. (b), Sec.  
15 186.22, Pen. C.).

16 (2) Two or more prior prison terms for any specified sex  
17 offense with a current conviction of any of those sex offenses  
18 (subd. (b), Sec. 667.6, Pen. C.).

19 (3) Commission or attempted commission of any specified  
20 felony offense while personally using a firearm (subd. (b), Sec.  
21 12022.53, Pen. C.).

22 (4) Commission of any specified drug offense involving a  
23 substance containing heroin, cocaine base, cocaine,  
24 methamphetamine, amphetamine, or phencyclidine (PCP), when  
25 the substance exceeds 10 kilograms or 200 liters (para. (3), subd.  
26 (a), and para. (3), subd. (b), Sec. 11370.4, H.& S.C.).

27 (5) Manufacturing, compounding, converting, producing,  
28 deriving, processing, or preparing any substance containing  
29 amphetamine, methamphetamine, or phencyclidine (PCP) or its  
30 analogs or precursors, or attempting to commit any of those acts,  
31 when the substance exceeds 25 gallons or 10 pounds (para. (3),  
32 subd. (a), Sec. 11379.8, H.& S.C.).

33 (r) The provisions listed in this subdivision imposing a  
34 sentence enhancement of 15 years' imprisonment in the state  
35 prison may be referenced as Schedule R.

36 (1) Kidnapping a victim under 14 years of age for the purpose  
37 of committing any specified felony sex offense (subd. (b), Sec.  
38 667.8, Pen. C.).

39 (2) Commission of any specified drug offense involving a  
40 substance containing heroin, cocaine base, cocaine,

1 methamphetamine, amphetamine, or phencyclidine (PCP), when  
2 the substance exceeds 20 kilograms or 400 liters (para. (4), subd.  
3 (a), and para. (4), subd. (b), Sec. 11370.4, H.& S.C.).

4 (3) Manufacturing, compounding, converting, producing,  
5 deriving, processing, or preparing any substance containing  
6 amphetamine, methamphetamine, or phencyclidine (PCP) or its  
7 analogs or precursors, or attempting to commit any of those acts,  
8 when the substance exceeds 105 gallons or 44 pounds (para. (4),  
9 subd. (a), Sec. 11379.8, H.& S.C.).

10 (s) The provisions listed in this subdivision imposing a  
11 sentence enhancement of 20 years' imprisonment in the state  
12 prison may be referenced as Schedule S.

13 (1) Intentionally and personally discharging a firearm in the  
14 commission or attempted commission of any specified felony  
15 offense (subd. (c), Sec. 12022.53, Pen. C.).

16 (2) Commission of any specified drug offense involving a  
17 substance containing heroin, cocaine base, or cocaine, when the  
18 substance exceeds 40 kilograms (para. (5), subd. (a), Sec.  
19 11370.4, H.& S.C.).

20 (t) The provisions listed in this subdivision imposing a  
21 sentence enhancement of 25 years' imprisonment in the state  
22 prison may be referenced as Schedule T.

23 Commission of any specified drug offense involving a  
24 substance containing heroin, cocaine base, or cocaine, when the  
25 substance exceeds 80 kilograms (para. (6), subd. (a), Sec.  
26 11370.4, H.& S.C.).

27 (u) The provisions listed in this subdivision imposing a  
28 sentence enhancement of 25 years to life imprisonment in the  
29 state prison may be referenced as Schedule U.

30 Intentionally and personally discharging a firearm in the  
31 commission or attempted commission of any specified felony  
32 offense and proximately causing great bodily injury to any  
33 person other than an accomplice (subd. (d), Sec. 12022.53, Pen.  
34 C.).

35 SEC. 11. Section 1170.11 of the Penal Code is amended to  
36 read:

37 1170.11. As used in Section 1170.1, the term "specific  
38 enhancement" means an enhancement that relates to the  
39 circumstances of the crime. It includes, but is not limited to, the  
40 enhancements provided in Sections 186.10, 186.11, 186.22,

1 186.26, 186.33, 273.4, 289.5, 290.4, 290.45, 290.46, 347, and  
2 368, subdivisions (a), (b), and (c) of Section 422.75, paragraphs  
3 (2), (3), (4), and (5) of subdivision (a) of Section 451.1,  
4 paragraphs (2), (3), and (4) of subdivision (a) of Section 452.1,  
5 subdivision (g) of Section 550, Sections 593a, 600, 667.8,  
6 667.85, 667.9, 667.10, 667.15, 667.16, 667.17, 674, 12021.5,  
7 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55,  
8 12022.6, 12022.7, 12022.75, 12022.8, 12022.85, 12022.9,  
9 12022.95, 12072, and 12280 of this code, and in Sections  
10 1522.01 and 11353.1, subdivision (b) of Section 11353.4,  
11 Sections 11353.6, 11356.5, 11370.4, 11379.7, 11379.8, 11379.9,  
12 11380.1, 25189.5, and 25189.7 of the Health and Safety Code,  
13 and in Sections 20001 and 23558 of the Vehicle Code, and in  
14 Sections 10980 and 14107 of the Welfare and Institutions Code.

15 SEC. 12. The Legislature finds and declares the following:

16 (a) The findings and declarations made by the Legislature in  
17 Section 1 of Chapter 908 of the Statutes of 1996, which enacted  
18 California's law relating to public notification regarding  
19 registered sex offenders, also apply to public notification made  
20 via the Internet Web site mandated by this section.

21 (b) Releasing the home addresses and other information  
22 pertaining to specified registered sex offenders is not intended to  
23 further punish them for their offenses, but to allow the public to  
24 be aware of their presence in the community and take appropriate  
25 and lawful safety precautions on behalf of themselves and their  
26 children.

27 (c) The notice concerning sex offender information required  
28 by Section 2079.10a of the Civil Code is not expected to change  
29 immediately upon the effective date of this act or immediately  
30 upon the notification to the Secretary of State pursuant to Section  
31 290.47 of the Penal Code, as added by this act. It is expected that  
32 forms accompanying real estate transactions may reflect the  
33 notice in the prior law for a reasonable period following those  
34 dates.

35 SEC. 13. No reimbursement is required by this act pursuant  
36 to Section 6 of Article XIII B of the California Constitution  
37 because the only costs that may be incurred by a local agency or  
38 school district will be incurred because this act creates a new  
39 crime or infraction, eliminates a crime or infraction, or changes  
40 the penalty for a crime or infraction, within the meaning of



1 Section 17556 of the Government Code, or changes the  
2 definition of a crime within the meaning of Section 6 of Article  
3 XIII B of the California Constitution.

4 SEC. 14. This act is an urgency statute necessary for the  
5 immediate preservation of the public peace, health, or safety  
6 within the meaning of Article IV of the Constitution and shall go  
7 into immediate effect. The facts constituting the necessity are:

8 In order to assure that members of the public have adequate  
9 information about the identities and locations of sex offenders  
10 who may put them and their families at risk, it is necessary that  
11 this act take effect immediately.

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